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SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES AND DISPLACED PERSONS

Internally displaced persons

Report of the Representative of the Secretary General Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights Resolution 1998/50

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Introduction

1. As we approach the next millennium, the problem of internal displacement remains one of the most pressing challenges facing the international community. Some 20 to 25 million persons in at least 40 countries worldwide are internally displaced, and one need only to have looked at the newspapers this past year - whether they concerned Kosovo, Sierra Leone, the Sudan, Sri Lanka or Colombia, to name just a few crises - to know that their numbers are growing and their needs for protection and assistance are great. On the positive side, if one could be said to exist amidst such human tragedy, significant developments have occurred in this past year towards improving responses at the national, regional and international levels.

2. Particular progress has been made in the development of the normative framework with the completion of the Guiding Principles on Internal Displacement, which were presented to the Commission at its last session (E/CN.4/1998/53/Add.2) and have already gained some standing. Significant developments also have been made in terms of institutional arrangements at the international level, and there are encouraging signs of further developments at the regional level as well. The benefit that country visits by the Representative can have in helping to raise awareness of situations of internal displacement and enhance responses to them has become increasingly apparent. Drawing together these various components in the work of the mandate, this past year also has seen the completion of a comprehensive study on the global crisis of internal displacement as well as the formulation of strategies and recommendations for addressing it more effectively. As a result of these developments, all those actors and organizations confronted with the problem of internal displacement appear to be better equipped than ever before to respond to it.

3. Nonetheless, serious challenges remain which require that the mandate and the international community as a whole should not be satisfied with these developments, but instead should work to build upon the momentum that has been generated. The tragic plight of the millions of internally displaced is a sobering indication of the considerable work that remains to be done.

4. This report provides an overview of developments in the past year in the three main areas of work of the mandate: the normative framework, in particular the Guiding Principles on Internal Displacement; the institutional arrangement, at the international as well as regional levels; and the focus on specific country situations. There then follows a section setting out the research being undertaken by the mandate this year. Finally, future directions for the mandate are considered. The report ends with a brief conclusion.

I. THE NORMATIVE FRAMEWORK: THE GUIDING PRINCIPLES

5. The development of an appropriate normative framework for the protection and assistance of internally displaced persons has been a main feature of the work of the mandate since its inception. Indeed, the need for an examination of the applicability of existing international human rights, humanitarian and refugee law and standards to the protection of and provision of relief assistance to internally displaced persons was one of the reasons the

Commission requested the Secretary-General to designate a representative on the issue of internally displaced persons (in resolution 1992/73). In particular, the Commission requested an identification of existing laws for the protection of internally displaced persons, possible additional measures to strengthen the implementation of these laws and alternatives for addressing protection needs not adequately covered by existing instruments. In a preambular paragraph of resolution 1993/95, the Commission noted that "the compilation of existing rules and norms and the question of general guiding principles to govern the treatment of internally displaced persons, in particular their protection and the provision of relief assistance", were among the number of tasks identified by the Representative as "requiring further attention and study". With the extension of his mandate, the Representative assembled a team of experts on international law to assist him in undertaking these tasks. This process resulted in the preparation of a compilation and analysis, in two parts, of the legal norms pertaining to internal displacement.

6. The first part of the compilation and analysis (E/CN.4/1996/52/Add.2) examined the relevant provisions of international human rights law, international humanitarian law and refugee law by analogy once people have been displaced. The study concluded that while existing law covers many aspects of relevance to the situation of internally displaced persons, there nonetheless existed significant gaps and grey areas as a result of which the law fails to provide sufficient protection. The study made recommendations for addressing these gaps and grey areas in order to provide a more comprehensive normative framework for the protection and assistance of the internally displaced.

7. The second part of the compilation and analysis (E/CN.4/1998/53/Add.1) examined the legal aspects relating to protection against arbitrary displacement, using the same methodology of considering international human rights law, international humanitarian law and refugee law by analogy. The study found that many provisions in international law point to a general rule according to which forced displacement may be undertaken only exceptionally, on a non-discriminatory basis and not arbitrarily imposed, but that this protection largely is only implicit. Accordingly, the study concluded that the legal basis for providing protection prior to displacement could be strengthened significantly by articulating a right not to be arbitrarily displaced.

8. Together, the two parts to the compilation and analysis of legal norms provided the basis upon which to return to the question of general guiding principles to govern the treatment of internally displaced persons. In resolutions 1996/52 and 1997/39, the Commission called upon the Representative to develop, on the basis of the compilation and analysis, a comprehensive normative framework of protection and assistance for internally displaced persons and, in the latter resolution, took note of the Representative's preparation of guiding principles to this end.

9. Over the course of a series of meetings beginning in June 1996, a team of experts in international law assembled by the Representative began drafting a set of guiding principles relating to internally displaced persons. Throughout this process, consultations were held with representatives of

United Nations agencies, regional organizations and non-governmental organizations involved with the internally displaced. A final meeting, hosted by the Government of Austria in Vienna in January 1998, widened the consultative process to include legal experts from the various geographic regions as well as representatives from a broad cross-section of relevant United Nations and other international agencies, regional organizations and non-governmental organizations. While sharing a common concern for the internally displaced, the participants brought different perspectives to the meeting, reflecting the nature of their involvement and experience with the issue of internal displacement. Specialists in gender and children's issues, for instance, were invited to attend with a view to helping ensure that the particular needs of internally displaced women and children were adequately taken into account in the preparation of the guiding principles. The General Assembly, in its resolution 52/107 on the rights of the child, had requested the Representative to take into account the situation of internally displaced children in his preparation of the guiding principles. On the basis of the expertise shared at the meeting, the set of guiding principles was further refined before being presented to the Commission at its fifty-fourth session as the Guiding Principles on Internal Displacement.

10. The Guiding Principles consolidate the numerous relevant norms which are at present too dispersed and diffuse to be effective in ensuring the protection and assistance of internally displaced persons. The Commission, in resolutions 1996/52, 1997/39 and 1998/50, had recognized that the protection of internally displaced persons would be strengthened by identifying, reaffirming and consolidating specific rights for their protection. Reflecting and consistent with international human rights law and international humanitarian law, they set forth the rights and guarantees relevant to the protection of internally displaced persons in all phases of displacement: protection against arbitrary displacement; protection and assistance during displacement; and during return, resettlement and reintegration.

11. The introduction to the Principles contains a refinement of previous working definitions: internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border. This definition is descriptive, not a legal term. It contains the two basic elements of internal displacement: coerced movement and remaining within one's national borders. It refers to the major causes of displacement, but its inclusion of the qualifier "in particular" makes clear that other causes are not excluded. In large part, the focus is on persons who, if they were to cross a border, would qualify as refugees, under both the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and the Cartagena Declaration on Refugees and arguably, in many cases, under the narrower definition of the 1951 Convention relating to the Status of Refugees as well. But the definition also includes persons who would not qualify as refugees, for example those uprooted by natural and human-made disasters. The argument for including reference to these disasters in the definition is based on cases where Governments respond to such disasters by discriminating against or

neglecting certain groups on political, ethnic, racial or religious grounds or by violating the human rights of the affected population in other ways, thereby creating special protection needs. It should be noted that the definition does not encompass persons who migrate for economic reasons. To be sure, persons forced from their homes because of economic injustice and marginalization tantamount to systematic violation of their economic rights would come under the definition, but in most cases of economic migration the element of coerced movement is not so clear.

12. The scope and purpose of the Guiding Principles is to address the specific needs of internally displaced persons worldwide. Towards this end, the Principles provide guidance to all relevant actors: the Representative in carrying out his mandate; States when faced with the phenomenon of internal displacement; all other authorities, groups and persons in their relations with internally displaced persons; and intergovernmental and non-governmental organizations.

13. Once the Principles were finalized, they were formally presented by the Representative, as he noted in his oral statement to the Commission last year, to the Inter-Agency Standing Committee (IASC), at its meeting of 26 March 1998. Following several statements of support for the Guiding Principles made by the heads of various member organizations, the IASC adopted a decision welcoming the Guiding Principles, encouraging its members to share them with their executive boards and their staff, especially those in the field, and to apply them in their activities on behalf of internally displaced persons.

14. "Noting the progress made so far by the Representative ... in developing a legal framework, in particular the compilation and analysis of legal norms and the development of Guiding Principles", the Commission, in resolution 1998/50, adopted without a vote and co-sponsored by 55 States, noted with interest the IASC decision, and took note of the Guiding Principles and of the stated intention of the Representative to make use of the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations and requested him to report on his efforts in this regard and the views expressed to him.

15. Following the Commission, the Guiding Principles were brought to the attention of the Economic and Social Council (ECOSOC) and, in particular, its first humanitarian segment. Member States were among the invitees to a round-table discussion on "Internally Displaced Persons: Challenges Confronting the International Community" that was hosted by the Emergency Relief Coordinator on the occasion of the first humanitarian segment. The Representative introduced the Principles to the meeting, in which many Governments participated, and a number of States, as in the Commission, expressed their support for the Principles. The Secretary-General, in his report to ECOSOC on the strengthening of the coordination of emergency humanitarian assistance of the United Nations (A/53/139-E/1998/67, para. 10), highlighted the Guiding Principles as among the "notable examples" of achievements of the past year. ECOSOC, in its agreed conclusions 1998/2 on follow-up and implementation of the Vienna Declaration and Programme of Action, specifically in section V on "Those requiring special protection", "commends the ... efforts to promote a comprehensive strategy that focuses on

prevention, as well as better protection, assistance and development for internally displaced persons and, in this regard, notes the progress achieved to date in developing a legal framework." ECOSOC also made reference to the Guiding Principles in its agreed conclusions 1998/1 on the issue of special economic, humanitarian and disaster relief assistance, noting the IASC decision relating to them.

16. The Security Council is another forum in which the Secretary-General as well as States have expressed their views on the Guiding Principles. The Secretary-General, in his report to the Council on protection for humanitarian assistance to refugees and others in conflict situations, drew the Council's attention to the development of the set of guiding principles for the protection of internally displaced persons (S/1998/883, para. 10). In the debate on this agenda item, the delegation of Kenya referred to the importance for both States and non-State actors to rise to the challenge to comply with existing international legal instruments that are designed to assist and protect civilian populations from harm and that outline urgent measures to ensure that refugees, displaced persons and other affected people in conflict situations have access to international protection and assistance and, in this regard, welcomed the adoption of the guiding principles for the protection of internally displaced persons (see S/PV.3932).

17. Outside the United Nations framework, the Representative has brought the Guiding Principles to the attention of regional and cross-regional intergovernmental forums. Indeed, regional organizations, namely the Organization of African Unity (OAU), the Inter-American Commission on Human Rights of the Organization of American States (OAS), and the Organization for Security and Cooperation in Europe (OSCE) were consulted in the formulation of the Guiding Principles, specifically through their participation at the Experts Consultation in Vienna in January 1998. Since that time, the Guiding Principles as presented to the Commission formally have been brought by the Representative to the attention of various regional, subregional and cross-regional organizations.

18. An OAU seminar on Enhancing the Participation of Returnees, Refugees and Internally Displaced Women and Children in Reconstruction, Rehabilitation and Peace-Building, held in Addis Ababa from 12 to 15 October 1998, was the first regional meeting to consider the Guiding Principles. The office of the Representative participated in the seminar and a statement from the Representative was issued at the meeting. The Plan of Action, which was adopted by consensus, called on the Secretary-General of the OAU to urge member States to promote compliance with the Guiding Principles on Internal Displacement.

19. Following this meeting, the OAU co-sponsored with UNHCR and the Brookings Institution Project a workshop on Internal Displacement in Africa, held in Addis Ababa on 19 and 20 October, in which representatives of the five member States of the OAU Bureau of the Commission on Refugees (Algeria, Cameroon, Niger, Sudan, Zambia) participated. The workshop focused on discussing the promotion, dissemination and application of the Guiding Principles in Africa. (The report of the workshop is contained in Addendum 2.) The OAU, in its introductory statement to the conference, renewed its appreciation for the Guiding Principles and noted that it stood

ready to associate itself with efforts to give wide dissemination to the principles, so as to increase international awareness of the needs and rights of internally displaced persons and of the legal standards pertinent to their needs. It further noted that while the principles alone could not prevent displacement or violation of the rights of internally displaced persons, they would provide guidance to Governments and organizations when addressing the issue in the field. In its conclusions and recommendations, the workshop warmly welcomed and endorsed the Guiding Principles as an important basis for more effectively addressing the problem of internal displacement in Africa. The strong protection focus of the Principles and their comprehensive approach, incorporating the issues of prevention, protection, assistance and solutions, were particularly welcomed by participants. In a similar vein, the workshop underscored the importance of the linkage the principles make between finding solutions to current situations of internal displacement and the prevention of future displacements. The workshop recommended the wide dissemination and promotion of the Guiding Principles throughout Africa, suggesting several strategies in this regard.

20. The dissemination and promotion of the Principles throughout Africa was among the recommendations of the Addis workshop to the OAU Ministerial Meeting on Refugees, Returnees and Displaced Persons in Africa, held in Khartoum from 13 to 15 December 1998. An OAU experts meeting immediately prior to the Ministerial Meeting, at which the mandate was represented and a statement by the Representative issued, included a substantive session on internal displacement in Africa which had among its stated objectives to review the Guiding Principles and the challenges that countries and other parties face in their implementation and to explore measures to ensure the commitment and adherence to them. The Ministerial Meeting recommended that the Guiding Principles be submitted to the OAU Commission on Refugees at its next session.

21. In addition to being brought to the attention of the OAU, the Guiding Principles also have been shared with other regional organizations as well as subregional and cross-regional intergovernmental organizations. Still in relation to the African continent, the Representative has shared them with the subregional organizations of Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC) and the Intergovernmental Authority on Development (IGAD). In the Americas, the Representative has shared them with the Inter-American Commission on Human Rights of the OAS and, in particular, its rapporteur on internally displaced persons, which have begun to apply them in their work. In Europe, the Representative has written to the OSCE to encourage its member States as well as the organization as a whole to promote and apply the Principles. The Representative has done the same with the Commonwealth, an organization of 53 States from all regions of the world. Prior to the completion of the Guiding Principles, the Commonwealth heads of Government, at their meeting of October 1997, endorsed the report of its Intergovernmental Group on Refugees and Displaced Persons which took note of the formulation of the Guiding Principles, encouraged efforts to evolve a legal framework for dealing with internally displaced persons, and recommended that the Commonwealth should lend its support and contribute to international efforts to develop a normative framework to address the lacunae in the protection of internally

displaced persons, and should endeavour to promote the implementation of relevant human rights and humanitarian instruments including, where applicable and feasible, by implementing the normative framework through national legislation. 1/

22. The Representative also has sought the views of Governments on the Guiding Principles on a bilateral basis, in particular through the dialogue in which he engages with Governments in the course of undertaking country missions. The mission of the Representative to Azerbaijan, the report of which is Addendum 1 to the present report, was the first to have been undertaken by the Representative since the completion of the Guiding Principles. Throughout the mission, the Representative shared the Guiding Principles with various government officials, national and local, as well as with representatives of the diplomatic community based in Azerbaijan, using the Principles as a basis for his dialogue with them. To facilitate dialogue on the Principles with Azerbaijani officials, the Principles had been translated, with the support of the Office of the United Nations High Commission for Refugees (UNHCR), into the Azerbaijani language, both in Cyrillic and Roman scripts. The Minister of Justice noted that protection for internally displaced persons requires the incorporation of their rights into legislation, both at the national and international level, and in this regard welcomed the Guiding Principles as a valuable reference for use within the national legislative framework. The Deputy Minister of Health particularly welcomed the attention paid by the Guiding Principles to economic and social rights. Both of these officials and several others consulted during the mission indicated that they would study the Guiding Principles and communicate any additional comments on them to the Representative.

23. Given the fact that many internally displaced populations are found in areas falling outside government control, efforts also have been made to bring the Guiding Principles to the attention of non-State actors. The Representative has presented the Guiding Principles to the Sudan People's Liberation Army/Sudan People's Liberation Movement (SPLA/SPLM), which has received them positively. A number of non-governmental organizations are planning to bring the Guiding Principles to the attention of other non-State actors.

24. With respect to international organizations, it must be recalled that several, namely the Office of the High Commissioner for Human Rights (OHCHR), UNHCR, the International Committee of the Red Cross (ICRC), the Office for the Coordination of Humanitarian Affairs (OCHA), the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the World Food Programme (WFP) and the International Organization for Migration (IOM) were consulted in the preparation of the Principles. Once the Principles were finalized they were, as noted above, presented to the IASC which adopted a decision on them. Reinforcing the IASC decision, UNHCR, UNICEF, WFP, ICRC and IOM made statements to the Commission emphasizing the relevance of the Guiding Principles to their work. UNHCR noted that the Principles are of "considerable importance" to its work - a point which the General Assembly since has echoed (in resolution 53/125). UNICEF described the principles as an excellent reference point which will serve as the international standard for the protection and assistance of IDPs. WFP welcomed the Principles as a well-formulated consolidation of relevant elements of existing international

human rights and humanitarian law, presented in clear, concise language which would increase international awareness of the specific problems internally displaced persons confront as well as the legal norms relevant to addressing their needs. The ICRC emphasized that the Guiding Principles do not alter or replace existing law, but instead provide useful guidance on how the law is to be interpreted in the context of internal displacement and, as such, should prove valuable to all those confronted with problems of internal displacement. IOM welcomed the finalization of the Guiding Principles and expressed its intention to ensure that its programmes conform to them and, in so doing, effectively address the phenomenon of displacement as well as the needs of the displaced.

25. Since the last session of the Commission, the IASC has undertaken a number of efforts pursuant to its decision regarding the Guiding Principles. As a first step, OCHA has published the Guiding Principles in English and French as a pamphlet available for wide dissemination. The Emergency Relief Coordinator, who chairs the IASC, has sent a letter to the United Nations resident/humanitarian coordinators, in their capacity of the field focal points for internally displaced persons, in all countries with internal displacement, encouraging them to disseminate the Principles widely to United Nations field staff as well as to governmental and non-governmental partners. International organizations have shared the Principles with their staff and several, such as UNHCR and WFP, have presented them to their executive bodies. The heads of a number of these agencies have further expressed support for the Principles before a variety of international forums.

26. OCHA field staff report that the Guiding Principles have been found to be useful in responding to internal displacement. The United Nations Humanitarian Coordination Unit (UNHCU) in the Sudan notes that the Guiding Principles are becoming the framework of its IDP Programme, through dissemination and training activities for staff as well as civil and military authorities. They have also been used in advocacy efforts with the Government. In Angola, the United Nations Humanitarian Assistance Coordination Unit (UCAH, from its Portuguese title: Unidade de Coordenação para Assistencia Humanitaria) has incorporated the Guiding Principles into its dissemination and training efforts for civil and military authorities as well.

27. OHCHR, as a standing invitee of the IASC, also has undertaken efforts to implement the decision relating to the Guiding Principles. To assist with dissemination efforts, the Principles are prominently posted on the Office's Website. The Office has shared the Principles with all staff, encouraging their use especially by field staff, relevant country and thematic special rapporteurs, the treaty bodies and in technical cooperation projects. The Commission, it should be recalled, has called upon relevant rapporteurs, working groups, experts and treaty bodies to seek information on situations which have created or could create internal displacement and to include relevant information and recommendations thereon in their reports. It also has called upon the Office to develop projects, in cooperation with Governments, relevant international organizations and the Representative, to promote the human rights of internally displaced persons, as part of the programme of advisory services and technical cooperation. OHCHR, in sharing the Guiding Principles with its staff, has suggested that the Principles, in

setting out the needs and rights of internally displaced persons, provide guidance which should be of assistance to the various mechanisms in implementing these requests.

28. Already, the Office has begun to apply the Principles in its work. The High Commissioner has referred to the Guiding Principles in her representations to Governments concerning the rights of internally displaced persons. Geographic desk officers have begun to refer to the Principles in their monitoring of country situations. Field staff of the Office also have applied the Principles. Particularly active in this regard is the OHCHR field office in Colombia, where there are an estimated 1 million internally displaced persons. The Office has used the Principles as a basis for its monitoring and advocacy efforts, having referred to the Guiding Principles on several occasions in public statements on the situation of internal displacement in the country. To build upon these various efforts, OHCHR recently has formulated a Global Project for IDPs for which a key objective is to provide support to field offices as well as headquarters staff in applying the Guiding Principles into their work. 2/

29. On the views of non-governmental organizations, it must be noted that three non-governmental umbrella organizations - InterAction, the International Council for Voluntary Agencies (ICVA) and the Steering Committee for Humanitarian Response (SCHR) - participate in the IASC and, as such, also are committed to implement its decision. Moreover, several non-governmental organizations were consulted in the preparation of the Principles and participated in the experts consultation at which these were finalized. Since that time, the membership of InterAction, ICVA and SCHR and of other relevant members of the non-governmental community have participated at a number of forums, convened during and since the last session of the Commission, where they have taken the opportunity to express positive views on the Guiding Principles to the Representative. In addition, InterAction convened a meeting of its membership in August 1998 to discuss the Guiding Principles with the Representative. The October workshop in Addis Ababa included key African non-governmental organizations, who expressed support for the Principles and their intention to use them (see Add.2).

30. Apart from these forums, the favourable response of non-governmental organizations to the Principles is arguably best evidenced by their active promotion and use of them. The Global IDP Survey of the Norwegian Refugee Council has appended the Guiding Principles to its recent publication Internally Displaced People: A Global Survey and, at the London launching of this survey, held a one-day workshop, in which the office of the Representative participated, to promote the use of the Principles by non-governmental organizations. The Forced Migration Review published by the Refugee Studies Programme in association with the Global IDP Survey recently has included several articles on the Guiding Principles 3/ and plans to disseminate the Principles in Arabic and Spanish to non-governmental organizations and other interested individuals in different parts of the world. A number of NGO newsletters, including Uprooted People of the Global Ecumenical Network on Uprooted People of the World Council of Churches, The Mustard Seed of the Jesuit Refugee Service/USA and On the Record of the Advocacy Group have dedicated special issues and supplements specifically to the Guiding Principles and the issue of internal displacement. 4/ The

Principles and articles relating to them also have been published in the International Review of the Red Cross 5/ and in the ICJ Review 6/ and will appear in a forthcoming issue of the Human Rights Tribune of Human Rights Internet. InterAction's newsletter, "Monday Developments", 7/ highlighted the Principles, and an article on the Principles also was published in the November 1998 issue of the RRN Newsletter. In addition to publishing the Principles, non-governmental organizations as well as individuals also have begun to use them as a basis for assessing the responses to specific country situations of internal displacement in various regions of the world. 8/

31. At the last session of the Commission, non-governmental organizations had stressed the importance of ensuring the wide dissemination of the Principles "so that internally displaced persons, organizations working on their behalf and government officials in affected countries, as well as the Representative of the Secretary-General and United Nations agencies, can benefit from them". 9/ Indeed, as a reflection of the level of interest in the Principles, the Representative and OHCHR continue to receive regular requests for them. In addition to responding to individual requests, the office of the Representative also has ensured that multiple copies of the Principles, in appropriate languages, have been made available to and brought to the attention of relevant forums, including the annual Executive Committee plenary meeting of UNHCR, the sixth conference of the International Research and Advisory Panel (IRAP) of the International Association for the Study of Forced Migration (IASFM) held in Gaza City in December 1998 and a number of region-specific international conferences on displacement, including the follow-up process to CIS Conference on Forced Migration 10/ and the international conference on Conflict and Forced Displacement in the Caucasus convened by the Danish Refugee Council in Copenhagen in September 1998. At this latter conference, the Chair, in a concluding statement, noted that the dissemination and the application of the Guiding Principles in the Caucasus would contribute to ensuring that the plight of internally displaced persons is addressed in a comprehensive manner.

32. Plans for worldwide dissemination of the Guiding Principles raise the issue of translation. The Principles, it will be recalled, already had been translated into all six official languages of the United Nations for their presentation to the Commission in 1998. At this time, the Representative should like to draw the Commission's attention to the fact that the French translation of the Guiding Principles has since had to be re-issued for technical reasons. In addition to their official language versions, the Principles also have begun to be translated into the local languages of countries affected by internal displacement, as a means of ensuring access to the Principles by local officials and populations. As noted above, UNHCR facilitated the translation of the Guiding Principles into Azerbaijani in connection with the Representative's mission to Azerbaijan. Also at the suggestion of the office of the Representative, the Georgian Young Lawyers Association has completed, with the support of UNHCR, the translation of the Principles into the Georgian language. In Angola, UCAH and its Government counterpart, the Ministry of Social Affairs (MINARS), jointly have provided for the translation of the Guiding Principles into Portuguese. And Amnesty International has translated the Principles into the Greek language.

33. International interest in the Guiding Principles has generated renewed interest in the translation and dissemination of the legal studies on which they were based. While the second part of the Compilation and Analysis has been translated into all official United Nations languages, the first part of the Compilation, owing to its considerable length, remains available only in English. In resolution 1996/52, the Commission had requested the Secretary-General to publish (as a sales document) the first part of the Compilation; in reiterating this request in resolution 1997/39, it further called for the rapid publication of the Compilation in all of the United Nations working languages. OHCHR has arranged for the publication of the Compilation in English, as No. 9 in its Study Series on Human Rights (Sales No. E.97.XIV.2), but lacks the resources for its translation into any of the other official languages. In response to a request from francophone delegations, OCHA is planning to ensure the French translation of the Compilation. Its translation into the other United Nations languages and the translation of the Guiding Principles into local languages, as appropriate, is another component of the recently formulated OHCHR Global Project for IDPs, to which the Representative strongly encourages donor Governments to lend their support.

34. In summary, it can be concluded that in the months since their presentation to the Commission, the Guiding Principles have rapidly gained standing and recognition as a useful tool for addressing situations of internal displacement as a result of their wide recognition by States, intergovernmental organizations, regional organizations and non-governmental organizations. Thus far, the feedback received by the Representative on the Principles has been positive, with the most frequently made comment being the need to ensure their application on the ground.

35. Towards meeting this challenge, a number of initiatives have been undertaken to provide practical guidance on the Principles. An annotated version of the Guiding Principles referring to the norms upon which these are based is being prepared by a member of the legal team that formulated the Principles. A field handbook for NGOs on the Guiding Principles also is being prepared with the support of the Brookings Institution Project on Internal Displacement. Within the framework of the IASC, UNICEF is taking the lead on a project providing examples of field practice in situations of internal displacement and relating these to the Guiding Principles, with the outcome of this survey expected to be produced in a field manual.

36. Training material on the Guiding Principles also is being developed. OHCHR has incorporated the Guiding Principles into its forthcoming manual on human rights reporting for field staff. The need for training in the legal norms dealing with the protection of and humanitarian assistance to internally displaced persons, as well as practical measures for providing them with protection and assistance, also has been emphasized by the IASC, 11/ which is undertaking to develop inter-agency training material on internal displacement. In addition, training in the Guiding Principles must extend beyond the IASC framework, to address all those actors involved with internally displaced persons, including international and regional peacekeepers. In recognition of the need for such training, the Lester B. Pearson Canadian International Peacekeeping Training Centre invited the office of the Representative to present the Guiding Principles as part of

its course on refugees and displaced persons in June 1998. Considering the wide variety of actors to whom training in the Guiding Principles should be provided is a question closely linked to the nature of the institutional framework for internally displaced persons, to which the focus of this report now turns.

II. THE INSTITUTIONAL FRAMEWORK

37. While the Guiding Principles represent the culmination of efforts to create an appropriate normative framework for internally displaced persons, efforts to develop an effective and comprehensive institutional framework have yet to achieve such definitive results. Providing protection and assistance to internally displaced persons, the Secretary-General underscored in his July 1997 Programme for Reform, is a humanitarian issue that continues to fall between the gaps of the existing mandates of the various agencies (A/51/950, para. 186). While this conclusion remains true today, a number of important steps towards narrowing the gap have since been taken.

38. To begin with, the Secretary-General has conferred upon the ERC the responsibility for ensuring that the protection and assistance needs of internally displaced persons are effectively addressed by the international community. This responsibility, the IASC has specified in its Recommendations Related to the Review of the Capacity of the United Nations System for Humanitarian Assistance which were finalized in October 1998, includes: (i) global advocacy on both assistance and protection requirements; (ii) resource mobilization and the identification of gaps in resources for internally displaced persons; (iii) in consultation with external institutions, promotion of the establishment of a database and global information on internally displaced persons, including monitoring and issuance of periodic situation reports; and (iv) support to the field on related humanitarian issues, including negotiation of access to internally displaced persons. 12/

39. Supporting the ERC in this role at the field level is the resident/humanitarian coordinator who, in full consultation with the inter-agency country team, is responsible for: addressing the humanitarian requirements of internally displaced persons before, during and after an emergency; serving as an advocate for the assistance and protection of the internally displaced; and recommending to the ERC the division of responsibility among agencies for the internally displaced. In carrying out the last function, the resident/humanitarian coordinator has the option to recommend to the ERC, in consultation with the in-country team and on a case-by-case basis, that a lead sectoral agency from among the relevant humanitarian organizations be designated to assume operational responsibility for internally displaced persons, including camp management where appropriate. 13/ It is noteworthy in this regard that the IASC recognizes UNHCR's operational expertise and experience over many years in providing protection and assistance to internally displaced persons, as well as the fact that its involvement with the internally displaced is guided by established criteria. 14/ While the resident/humanitarian coordinators have held such responsibility for several years now, the IASC recently has recommended that the terms of reference for resident/humanitarian coordinators be amended to explicitly state their responsibilities with respect to internally displaced

persons. 15/ In the interim, the ERC has drawn the attention of resident/humanitarian coordinators to their responsibilities in his letter to them providing the Guiding Principles.

40. At the Headquarters level, support to both the ERC and the resident/humanitarian coordinators in discharging their responsibilities relating to internally displaced persons is provided by the IASC Working Group (IASC-WG) which, since September 1997, has assumed responsibility as the main inter-agency forum for consultation on all matters relating to internally displaced persons. Terms of reference for facilitating this aspect of the Working Group's functions were finalized at its meeting of 3 June 1998. Towards the overall goal of enhancing the response of the international community to the needs of the internally displaced, the IASC-WG undertakes to: (i) regularly review all issues relating to internally displaced persons, ensuring that issues requiring attention and/or action by the ERC and the IASC are submitted to them with specific recommendations; (ii) review, endorse and/or amend specific field coordination arrangements recommended by the resident/humanitarian coordinator and country management team, including strategies and division of institutional responsibilities for the provision of assistance and protection to, and the reintegration of internally displaced persons at country level; (iii) provide guidance to the resident/humanitarian coordinator on all issues affecting internally displaced persons through, inter alia, the development of global strategies for ensuring protection, humanitarian/development assistance, and sustainable development solutions for internally displaced persons and support for the role of the United Nations High Commissioner for Human Rights; (iv) recommend to the ERC ways and means to address obstacles in the provision of assistance to and protection of internally displaced persons, with particular attention paid to the special needs of vulnerable groups among them, including women, children and the elderly; (v) promote respect for and observance of international law and principles, including the Guiding Principles on Internal Displacement, which apply to the prevention of internal displacement as well as to assistance, protection, reintegration and sustainable development solutions for internally displaced persons; (vi) support the identification and development of best practices on internally displaced persons, and the use of these as the basis for programmes; (vii) provide support for all aspects of the mandate of the Representative of the Secretary-General on internally displaced persons and closely collaborate with the Representative in the discharge of his functions; (viii) ensure that the needs of internally displaced persons are fully taken into account in resource mobilization processes; (ix) support, oversee and evaluate the pilot phase of the database of internally displaced persons and provide feedback to further improve the database, its dissemination and use wherever appropriate; and (x) support and oversee the development and use of materials for training and capacity-building on the issue of internal displacement. To facilitate its undertaking these various tasks, the IASC-WG has made matters relating to internally displaced persons a standing item on its agenda.

41. Returning to the four broader responsibilities relating to internally displaced persons that are assigned to the ERC, the past year has witnessed developments in each of these areas. First, with respect to advocacy on assistance and protection issues, the ERC and the Representative have met on several occasions over the course of the last year, to discuss collaboration

between them. It should be recalled that the IASC has recommended that the Representative focus on advocacy for the protection and assistance of internally displaced persons. 16/ One reflection of the collaboration between the ERC and the Representative in this respect is their joint organization of the briefing during ECOSOC on internal displacement. The Representative and the ERC also have discussed the possibility of convening special meetings on specific country situations, especially following missions by either one of them to examine situations of internal displacement. Moreover, the ERC has raised the possibility of inviting the Representative, on an ad hoc basis, to present the findings and recommendations of his country missions to the Executive Committee on Humanitarian Affairs as the Representative already has done in the IASC-WG.

42. The ERC and the Representative also have considered it beneficial to involve the High Commissioner for Human Rights in their discussions of joint strategies for advocacy on protection and assistance for the internally displaced. At a tripartite meeting, the Representative reflected that while the ERC focused on the humanitarian assistance side of internal displacement and the High Commissioner for Human Rights focused on protection, the role of his mandate is to try to link the two aspects to ensure a comprehensive response to the needs of internally displaced persons. The assistance of both offices in the guidance and preparation of the Representative's country visits and, especially, in the follow-up to them was noted as essential. Their support also was solicited in working out a coordinated strategy for addressing particularly difficult situations of internal displacement that pose a challenge to international cooperation. Joint stands and mutual support in such cases might prove effective in overcoming these obstacles. All three agreed to continue this process of consultation in defining their respective roles in the advocacy and protection of internally displaced persons and, towards this end, to jointly prepare a substantive paper on the protection of internally displaced persons which, it has since been agreed, will be shared with their other partners in the inter-agency framework through its presentation to the IASC-WG.

43. Second, the responsibilities of the ERC in the area of resource mobilization are of critical importance given the absence of reliable funding for meeting the needs of the internally displaced. At the workshop on internal displacement in Africa, several participants noted the discrepancy in the resources made available for addressing the needs of internally displaced persons, compared with those allocated for refugees (Add.2, para. 7). Opportunities for addressing this concern have arisen with the ERC's introduction into the consolidated appeals process (CAP) of a new approach towards planning the United Nations system's response to emergency situations and developing a common humanitarian action plan or strategy for alleviating suffering and promoting recovery. The Representative, in response to a letter from the ERC to the IASC outlining these plans for the CAP, advocated that the new humanitarian strategy systematically address the particular protection and assistance needs of internally displaced persons since many of the countries for which CAPs are prepared are situations of internal displacement. A proposal to this effect was put forth by the office of the Representative to the IASC-WG at its 18 September 1998 meeting. The IASC-WG concurred with this suggestion by calling for it to be applied to the preparation of the CAP documents for 1999 that was under way at the time. There are already some

encouraging signs in this regard. For example, in Rwanda, covering the needs of internally displaced persons in the north-west of the country is the primary purpose for which the country team has recommended an extension of the CAP to May 1999. 17/ It is to be hoped that the IASC-WG's directive on the matter will indeed ensure greater attention to the needs of internally displaced persons in all cases where this is required. Doing so routinely would be an important means of injecting the required predictability into efforts of resource mobilization for addressing the needs of the internally displaced.

44. Aside from the CAP, the IASC's standing invitation to the World Bank also is relevant to the issue of resource mobilization for the internally displaced. The World Bank has decided to undertake efforts for the reintegration of displaced persons as part of its new area of activity in post-conflict reconstruction and is considering the most appropriate ways to achieve this, including the creation of a global fund for post-conflict situations. 18/ In Azerbaijan, the Representative witnessed first-hand the commitment of the World Bank to support the sustainability of the return process for internally displaced persons (see Add.1). Owing to its increasing involvement with the internally displaced, the participation of the World Bank in the IASC and, in particular, the IASC-WG is most welcome.

45. The third area of responsibility for the ERC on the issue of internal displacement relates to information management. On account of the fact that there exists no mechanism within the United Nations system for systematically collecting, receiving and analysing information on internal displacement, the establishment of a global information system on internally displaced persons long has been advocated by the Representative. The pool of information required for incorporation in such a system includes the causes and patterns of contemporary situations of internal displacement, the degree of access that affected populations have to basic services, their protection concerns, the capacity and willingness of Governments to address their protection and assistance needs, and the response of the international community to their plight (E/CN.4/1995/50, paras. 98-99). Gender-specific information, including the number and the specific needs of female-headed households and school-aged girls, also is required. The Commission, in resolution 1995/57, encouraged the Representative to pursue the setting up of a more coherent system of data collection on issues related to the situation and protection of internally displaced persons and, in resolutions 1996/52, 1997/39 and 1998/50, encouraged relevant humanitarian assistance and development organizations to collaborate, especially through the IASC, with the Representative in this regard.

46. Initially, the Representative and the ERC had agreed, in a letter of understanding of 2 August 1996, to cooperate in the establishment of an information system on internally displaced persons which would be managed and maintained by what was then the Department of Humanitarian Affairs (DHA). However, at the recommendation of the ERC and with the support of the Representative, the IASC-WG decided at its 9 September 1997 meeting that the establishment of the database should be undertaken in consultation with external institutions. Pursuant to this decision, the IASC-WG subsequently decided at its 19-20 November 1997 meeting to outsource to the Norwegian

Refugee Council (NRC)'s Global IDP Survey the task of undertaking a six-month feasibility study on the establishment of the database. OCHA, UNDP, UNHCR, UNICEF and WFP provided financial support for this process.

47. Upon completion of the feasibility study and the review of its findings, including by the inter-agency Reference Group on the database in which the office of the Representative participates, the IASC-WG decided at its 26-27 November 1998 meeting to encourage the NRC/Global IDP Survey to proceed with the implementation of the database. At the same time, the IASC-WG recognized that full implementation of the project would require further refinement and review of a number of issues, such as the sensitivity of data, the total budget amount, the database objectives and the agreed list of indicators, and accordingly encouraged the NRC to promote inter-agency consultations to address these issues. Finally, the IASC-WG encouraged all IASC members to collaborate and participate in the implementation of the project and to demonstrate their commitment by contributing resources and by supporting the NRC in its efforts of resource mobilization with donors.

48. Inter-agency consultations since have been held on the database project, with plans for the Reference Group to continue to review the project as it progresses. It will be particularly important that at least the non-sensitive information collected by the project on current situations of internal displacement be not only incorporated into the database but also shared with the Representative, the ERC and the IASC at large, in support of their advocacy efforts. In particular, the information collected by the database project could assist the ERC in discharging his express responsibility for information management on internally displaced persons through the issuance of periodic situation reports. Regularly updated information on situations of internal displacement is essential to ensuring that specific situations of internal displacement warranting the attention of the international community are not overlooked or forgotten.

49. The fourth responsibility of the ERC relating to internally displaced persons, to provide support to the field, including the negotiation of humanitarian access, is purposefully broad in scope in order to allow flexibility in responding to specific needs as they arise. In the ERC's efforts to negotiate humanitarian access, the Guiding Principles should provide useful support as they would enable him to base his arguments not only on humanitarian ideals but on legal provisions from which a number of Principles relating to access are distilled. Principle 25 provides that international humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced, that such an offer shall not be regarded as an unfriendly act or an interference in a State's affairs and shall be considered in good faith, and that consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance. It further provides that all authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced. Principle 26, relating to the safety of access, provides that persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected and shall not be the object of

attack or other acts of violence. Principle 30 sets out guarantees for rapid and unimpeded access to internally displaced persons in order to assist them in the return or resettlement and reintegration phase.

50. In specific situations where problems of securing rapid, safe and unimpeded access to internally displaced persons arise, the ERC and the Representative or the IASC as a whole could take joint stands referring to the guarantees provided for in the Principles. The IASC also could recommend, as part of its support of the implementation of the Secretary-General's recommendations to the Security Council on the protection of humanitarian assistance to refugees and others, that the Security Council issue statements with respect to humanitarian assistance in particularly serious situations. Problems of access and the safety of humanitarian personnel were a main focus of the report of the Secretary-General to the Security Council (S/1998/833) and the Council's recent debate on this issue (see S/PV.3932).

51. Aside from the negotiation of humanitarian access, support to the field in ensuring that the protection and assistance needs of the internally displaced are met can, as the terms of reference (TOR) of the IASC-WG recognize, take many forms. These include reviewing the specific field coordination arrangements recommended and providing guidance on all issues affecting internally displaced persons through, inter alia, the development of global strategies for ensuring protection, humanitarian and development assistance and sustainable development solutions for them. Also relevant is the IASC-WG's initiative, on which UNICEF is taking the leading role, to identify instructive field practices relating to internally displaced persons in order to provide guidance in the development of future programming and field activities. An equally important and related form of support to field staff is the IASC-WG's above-mentioned support for and oversight of the development and use of materials for training and capacity-building on the issue of internal displacement.

52. In all of these areas of responsibility, the current ERC, Sergio Vieira de Mello, who assumed his post on 1 January 1998, has demonstrated interest in forging a strong cooperative relationship with the Representative. Over the course of the past year, the Representative and the ERC have held a number of fruitful discussions for the purposes of clarifying their respective roles, fostering cooperation between them and strengthening their capacities to address the global problem of internal displacement. The ERC has stated from the outset that his responsibilities relating to internally displaced persons rank high on OCHA's list of priorities and, indeed, the past year has provided strong evidence of this commitment.

53. To begin with, the ERC took the necessary steps to activate the Representative's recommendation, the implementation of which was encouraged by the Commission (resolution 1998/50), that relevant humanitarian and development organizations should each designate a focal point on internally displaced persons. Specifically, the ERC wrote to all agencies of the IASC asking them to designate such a focal point. This system of focal points, which is now coming into place, has proven to be an important means of facilitating inter-agency collaboration on all matters relating to internally displaced persons, by identifying individuals within each organization or

agency who are familiar with the issue of internal displacement and of the various initiatives being undertaken in inter-agency frameworks to address it.

54. Of course, as the Representative highlighted in his last report to the Commission, the effective functioning of such a network of focal points requires a coordinating mechanism. To fulfil this function, the ERC agreed to establish within OCHA the post of Senior Adviser on Internally Displaced Persons, recruiting such a person through secondment from the ICRC and with financial support from the Government of Switzerland. In addition to acting as the pillar in the network of focal points, the ERC and the Representative envisaged that the Senior Adviser would support both of them in discharging their responsibilities relating to internally displaced persons, especially in inter-agency frameworks. This arrangement, delayed by unforeseen complications in the appointment process, is expected to be in place in 1999.

55. In his capacity as the Chair of the IASC, the ERC likewise has demonstrated strong leadership, of the type that the Representative noted in his last report was required, to ensure that inter-agency consultations result in a more comprehensive and coordinated response to internal displacement. In addition to supporting the various initiatives on internally displaced persons being undertaken within the IASC framework, the ERC also has ensured that the issue of internal displacement is placed firmly on the IASC agenda. This support has taken the form of creating an environment in the meetings of the IASC and its Working Group conducive to the active participation of the Representative (who has been a standing invitee to these forums since September 1997) or his staff. Over the course of the past year, the Representative has found that the majority of the issues addressed within the IASC framework - whether relating to the promotion of protection principles, the humanitarian impact of sanctions, gender and humanitarian assistance or to specific country situations - are relevant to the internally displaced. As such, the change from the previous arrangement, according to which the Representative was to be invited to the IASC meetings only on an ad hoc basis, has proven to be particularly positive for the work of the mandate.

56. Notwithstanding the frequent relevance of several agenda items to internal displacement, the designation of the IASC-WG as the main inter-agency forum for consultations on internal displacement has warranted its focused attention to the issue on a systematic basis. Accordingly, the Representative recommended and the IASC-WG agreed at its 3 June 1998 meeting that the issue of internally displaced persons henceforth would be a standing item on its agenda the coordination of which the office of the ERC and of the Representative share responsibility. To date, the issues considered under this agenda item have included: finalizing the IASC-WG TOR on internally displaced persons; reviewing progress on all ongoing initiatives, namely the promotion of the Guiding Principles, the development of the database, the compilation of field practices and the development of training material; and briefings by the Representative on the consideration of the issue of internally displaced persons by the Commission at its last session and on the activities of the mandate, including country missions.

57. In addition to continuing to consider such issues, the IASC-WG discussed, at its final meeting for 1998, the need to take a more operational approach to internal displacement in future. In this connection, over the

course of 1999 OCHA will undertake country-by-country reviews of protection and assistance arrangements for internally displaced persons. On the basis of the findings of this review, the IASC-WG could, in keeping with its TOR on internally displaced persons, make recommendations for strengthening these arrangements, wherever room for improvement exists. Another means of sharpening the Working Group's operational focus would be to discuss in detail the findings and recommendations of the Representative's missions or country studies and jointly develop more effective ways of responding to them. This process very usefully could begin with consideration by the IASC-WG of the Representative's report, on his mission to Azerbaijan (E/CN.4/1999/79/Add.1), especially as a number of the findings and recommendations relate directly to the work of members of the IASC. It is noteworthy in this regard that the Working Group, at its November 1998 meeting, noted with grave concern the deteriorating situation and growing humanitarian needs in many of the former Soviet republics and stressed the importance of strengthening humanitarian advocacy for the region.

58. There is also a need for the IASC-WG to revert to specific country situations of concern raised by the Representative, outside the Working Group's routine consideration of the most pressing humanitarian crises at the time of its quarterly meetings. While it is true that virtually all the cases considered by the IASC-WG over the course of 1998 (Afghanistan, Central America, Colombia, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, the Eritrea/Ethiopia conflict, the Great Lakes Region, Guinea-Bissau, Kosovo/Albania, the Russian Federation and the Sudan) are situations of internal displacement, it is also important that other serious but less "newsworthy" situations receive attention, as appropriate. The situation of internal displacement in Uganda, for instance, raises protection and assistance concerns warranting greater attention on the part of the international community. Accordingly, and based on information received from a number of sources including from within the country, the Representative shared with the IASC secretariat a background paper prepared by his office on the crisis and the humanitarian concerns requiring attention. This paper was shared with the country management team and revised accordingly to incorporate its comments which, notably, indicated that the number of internally displaced persons was significantly larger than had been understood to be the case and that a number of the concerns raised in the background paper remained valid. The revised paper was circulated to the IASC membership in January 1998. More recent reports on the deteriorating conditions of the internally displaced in Uganda 12/ underscore the need for the IASC-WG to formally review this situation.

59. In addition to simply responding to the findings of the country visits and studies of the Representative, the IASC-WG or, at least, its individual members also could recommend countries which he should visit. The High Commissioner for Human Rights recently has done so, in relation to Colombia (see section III). The IASC-WG as a whole could be encouraged to do the same, in keeping with the provision in its TOR on internally displaced persons to provide support for all aspects of the mandate of the Representative and closely collaborate with the Representative in the discharge of his functions. It must be noted in this regard that a number of individual IASC members provided support in the carrying out of the Representative's recent mission to Azerbaijan. In advance of the mission, the office of the Representative had

advised IASC members of his plans and requested information on their respective activities relating to the internally displaced in the country, consulting with several of their headquarters country desks. This advance notice of the mission proved beneficial during the visit, as agencies had been given time to prepare briefing notes and to ensure, to the extent possible, that their country representatives would be available to meet with the Representative. The logistical support provided by the resident coordinator, UNDP and UNHCR was particularly welcome. It thus seems to the mutual benefit of all concerned that IASC support for the work of the Representative, and in particular his country visits, occur at the field as well as at the Headquarters level. Providing support - substantive, logistical and follow-up - for the missions of the Representative is just one of the ways in which the IASC can take more of an operational approach to the problem of internal displacement and, in so doing, build upon the significant developments made to date in the enhancement of the institutional framework.

60. In addition to examining and working to enhance institutional arrangements for the internally displaced in international frameworks, for several years now the Representative also has undertaken parallel efforts at the regional level. The findings of the Representative in this regard have been highlighted in previous reports to the Commission, including that presented at its last session (paras. 44-47). More detailed information on the role of regional as well as subregional organizations with internally displaced persons and specific recommendations as to how this role can be enhanced have been set out in the comprehensive study on internal displacement, Masses in Flight: The Global Crisis of Internal Displacement, co-authored by the Representative and Roberta Cohen and published by the Brookings Institution in 1998. 20/ As a follow-up to the study, the Representative has begun to intensify his cooperation with regional as well as subregional organizations in order to promote their active engagement in addressing the protection and assistance needs of the internally displaced. The Commission, in resolution 1998/50, welcomed the initiatives undertaken by regional organizations, such as the OSCE, the OAU and the OAS, to address the assistance, protection and development needs of internally displaced persons, and encouraged them to strengthen these activities and their cooperation with the Representative.

61. As noted in section I, representatives of the OAU, the OAS and the OSCE were invited to the Expert Consultation on the Guiding Principles that was held in Vienna. Legal and human rights experts from Asia and the Middle East, where no comparable regional organizations exist, also participated in the meeting. Specific sessions of the meeting devoted to examining regional strategies for promoting and applying the Principles benefited from the presentations made and perspectives shared by these experts.

62. With the Guiding Principles finalized, the Representative has now begun to focus on fostering regional initiatives for their promotion and application. An essential first step towards this end is to raise awareness of the Principles among all relevant regional and subregional organizations and arrangements. To date, the Representative has formally brought the Guiding Principles to the attention of the OAU, ECOWAS, SADC, IGAD, the OAS Inter-American Commission on Human Rights and the OSCE, encouraging them to use the Principles in their activities on behalf of the internally

displaced. Plans are under way to do the same with other regional organizations, including the Council of Europe and the European Community.

63. The aim of raising awareness of the Guiding Principles also has been served by the participation of the Representative's office in regional conferences on displacement: the OAU ministerial and experts' meetings on refugees, returnees and displaced persons held in Khartoum in December 1998; the OAU regional seminar on enhancing the participation of returnees, refugees and internally displaced women and children in reintegration, reconstruction, rehabilitation and peace-building held in Addis Ababa in October; the third meeting of the Steering Group meeting of the CIS Conference process, held in Geneva in June; and the Conference on Forced Displacement in the Caucasus convened by the Danish Refugee Council in Copenhagen in September. At each of these forums, the office of the Representative made available copies of the Guiding Principles in appropriate languages and delivered statements setting out their scope and purpose and encouraging their application. The responses of these meetings to the Principles has been noted above (sect. I).

64. More active promotion at the regional level of the use of the Guiding Principles and of the greater engagement of regional and subregional organizations with the issue of internal displacement is being undertaken through a series of regional workshops on internal displacement that the Representative is co-hosting, with the support of partner organizations, over the course of 1998-1999. The objective of these workshops is to promote the dissemination and application of the Guiding Principles throughout the region concerned and to explore ways of enhancing regional, subregional and local approaches to the problem of internal displacement.

65. As mentioned earlier, the first such workshop, focusing on the problem of internal displacement in Africa, was held in Addis Ababa on 19 and 20 October 1998. As Africa is the continent most seriously affected by the problem of internal displacement, it was only appropriate to give priority to this region. There are currently 8-10 million internally displaced persons in Africa, amounting to around half of the worldwide total. Up to 21 States in the continent have significant populations of internally displaced persons. Moreover, there are worrying indications of growing numbers of internally displaced persons and countries affected and of deteriorating conditions for those populations already uprooted.

66. On the positive side, the Addis Ababa workshop provided a reflection of the type of cooperative relationships required for addressing the crisis of internal displacement in Africa. The workshop was jointly convened by the Brookings Institution Project on Internal Displacement, UNHCR and the OAU. The 55 participants, predominantly based in Africa, represented a broad cross-section of international organizations, regional and subregional bodies, non-governmental organizations and research institutions. The participants brought different perspectives to the meeting, based on the nature of their involvement and experience with the internally displaced, which enriched the discussions.

67. After introductory sessions providing an overview of the problem of internal displacement in general and an introduction to the Guiding Principles, the two-day workshop focused its discussions on the application of

the Principles in Africa by examining a number of specific issues: the scope and scale of internal displacement in Africa, the issue of sovereignty, working on both sides of conflict situations, integrating protection and human rights into relief and development operations, protecting women and children, and involving displaced communities. The role of regional and subregional organizations, which was a common theme arising in the discussions, was explored in greater detail in a special session. A final session of the workshop reviewed the main conclusions and recommendations which emerged over the course of the discussions. These are set out in the report of the workshop (see Add.2), which has been disseminated at the aforementioned OAU experts and ministerial meetings held in Khartoum in December 1998.

68. Several of the recommendations set out in the report pertain to the role of Africa's regional and subregional organizations in addressing the problem of internal displacement. Welcoming the OAU's growing interest and involvement in the issue of internal displacement, the workshop encouraged the OAU as well as Africa's subregional organizations to endorse, disseminate and promote the Guiding Principles on Internal Displacement. The workshop also identified four additional ways in which the regional and subregional organizations of Africa could address the issue of internal displacement more effectively. First, the OAU could establish within its secretariat a focal point, and possibly even a dedicated unit, for the issue of internal displacement. This focal point or unit could, inter alia, collect data on internal displacement in Africa and monitor the dissemination and implementation of the Guiding Principles. Second, regional and subregional organizations in Africa could assist the work of the Representative by facilitating his field missions and by ensuring that he is able to appraise and report on the situation in African countries. Third, when peacekeeping or peace enforcement operations are launched by regional and subregional organizations in Africa, these should include a civilian component, staffed by officials who are familiar with international human rights and humanitarian law. At the same time, such operations could benefit from better training, stricter controls, more effective codes of conduct and higher levels of accountability. Close and continuous monitoring by the OAU and the United Nations would provide a means for these objectives to be achieved.

69. Building upon the experience of the Addis Ababa workshop, plans currently are under way for the holding of similar meetings in other regions of the world. To coordinate the convening of these meetings, as well as other activities and research relating to internal displacement, a consortium consisting of the Brookings Institution Project on Internal Displacement, the US Committee for Refugees and the NRC/Global IDP Survey has been formed. The US Committee for Refugees is taking the lead in organizing the workshop on internal displacement in the Americas, to be held in Bogota from 28 to 30 May 1999 and co-sponsored by the Brookings Institution Project and a local organization. In addition to promoting awareness and use of the Guiding Principles, this meeting aims to strengthen local capacities and networks among the many non-governmental organizations in the region which already are actively engaged in the issue of internal displacement. For South and South-East Asia, the consortium plans to support Forum Asia, a leading Thai human rights non-governmental organization, and Chulalongkorn University in co-hosting a regional conference to be held in Bangkok.

70. Parallel to this process of convening region-wide conferences, seminars also are being organized at the national level in certain countries. On 20 July, a seminar on "Internally Displaced People: International Commitments" was co-hosted by the NRC/Global IDP Survey and the Overseas Development Institute of the United Kingdom. This seminar, in which the office of the Representative and a member of the legal team which drafted the Guiding Principles participated, brought together non-governmental organizations, academic researchers and UNHCR officials based in the United Kingdom to discuss the Guiding Principles, the role of UNHCR in the protection of internally displaced persons and case-study presentations on Colombia and northern Sudan. For 1999, plans are under way for the NRC/Global IDP Survey and OCHA to jointly convene, with the support of the International Development Research Centre (Canada), a two-day conference on internal displacement in Angola, to be held in Luanda in the spring. The conference, in which the Representative is planning to participate, will bring together local non-governmental organizations, government officials and representatives of international agencies and non-governmental organizations to promote dialogue among them on the protection and assistance needs of the internally displaced in Angola, to encourage them to share their practical experiences in this regard and to promote their use of the Guiding Principles. The NRC/Global IDP Survey also is planning to host a workshop in Uganda in the spring which would bring together government officials and local non-governmental organizations working directly with the internally displaced, as well as representatives of displaced communities, to explore ways of applying the Guiding Principles in order to strengthen national and local responses to the serious situation of internal displacement in that country. These various conferences and workshops should help to strengthen the institutional framework at the regional, national and local levels as well as among them and with the international community.

III. THE COUNTRY FOCUS

71. The effectiveness of developments at the international, regional and national levels are best measured by the actual conditions of the internally displaced. Country missions remain the most effective means of gaining insight into the problem of internal displacement in a particular country and the effectiveness with which it is being addressed. To date, the Representative has undertaken 13 country visits in connection with the mandate: to Burundi, Colombia, El Salvador, Mozambique, Peru, the Russian Federation, Rwanda, Somalia, Sri Lanka, the Sudan, Tajikistan and the former Yugoslavia and, in this past year, to Azerbaijan. In visiting these countries, the Representative has developed an understanding of the various dimensions of the problem of internal displacement as well as the common threads linking them.

72. Over the course of his visit to Azerbaijan this past year, the Representative found several similarities with many other situations of internal displacement that he has visited. The situation is characterized by conflict-induced flight of large numbers of people along ethnic lines. On account of having had to abandon their homes, property and livelihood, they suddenly found themselves among the poorest and most vulnerable of society. The displaced populations, and particularly large numbers of women and

children, are found congregated in camps and public buildings, often in conditions of severe deprivation and largely dependent upon outside assistance to meet their basic needs.

73. A less common characteristic of internal displacement that is evident in Azerbaijan is the strong sense of solidarity between the Government and the displaced. This feature stems from the nature of the conflict causing the displacement, which has an external dimension, and the ethnic kinship existing between the national authorities and the overwhelming majority of the internally displaced. As a result, and unlike in many other countries, the internally displaced of Azerbaijan are not associated by the authorities with the "enemy" and targeted for abuses and attack on that basis. Serious problems relating to the protection of the life and physical security of the displaced, as often arise in situations of internal displacement, do not appear to exist.

74. Nevertheless, the situation in Azerbaijan underscores that protection for the internally displaced must extend beyond safeguarding their physical security to also encompass the broad range of economic, social, civil and political rights provided for under international human rights law. The rights to food, to shelter, to basic health care, to education, to employment and to freedom of movement, for instance, fall, by virtue of their nature as rights, within the meaning of protection and are fully deserving of attention. The Representative found that many of the internally displaced of Azerbaijan have significant needs in these various areas which remain outstanding.

75. It must be recognized that the international community has undertaken considerable efforts towards meeting the basic needs of the internally displaced in Azerbaijan. Yet, it is also true that after several years of continuing to provide emergency-type assistance long after the initial crisis has passed, donors and humanitarian agencies alike are looking to pursue more durable solutions. Notably, the displaced themselves are becoming weary of being dependent upon hand-outs and are anxious to become self-reliant. Impeding progress in this regard, however, is the effect of the overriding emphasis placed by the Government on the solution of return. While the return of the internally displaced to their home areas is a goal that the affected populations themselves clearly share, they also recognize that it must be contingent upon an end to the conflict and guarantees for their safety. With negotiations among the parties to the conflict having suffered significant setbacks this past year, it is particularly difficult to predict when these conditions actually will be met. Meanwhile, many of the displaced remain in temporary accomodations, including weather-worn tents, dilapidated railway cars and overcrowded public buildings, left in a legal, social and economic limbo that is nothing short of inhumane.

76. Under these circumstances, there is an urgent need to pursue, in parallel to the process for peace and the possibility of return that it holds, alternative or at least interim solutions for the internally displaced. In particular, greater support on the part of the Government for training programmes, income-generation activities and the construction of more permanent shelter for the displaced is required. The Representative is encouraged by the fledgling steps recently taken by the Government in these

directions and by the receptivity of some senior officials with whom he met to explore additional initiatives, particularly in the area of training, to promote strategies of self-reliance for the displaced.

77. While intensifying the search for durable solutions, it is also essential to not lose sight of the fact that for many of the displaced their most basic needs for food, shelter and medical services currently are not being fully met. Moreover, given the present state of the economy, the self-sufficiency of the displaced is bound to take some time to cultivate and, consequently, the need for humanitarian assistance to meet basic needs will remain for some time to come. A wholesale transition from relief to development is therefore premature. Under these circumstances, it is particularly worrying that funding constraints currently are forcing a withdrawal or considerable scaling-down of several programmes of international agencies and organizations addressing the basic humanitarian needs of the displaced.

78. To be sure, the Government must be expected to assume greater responsibility for addressing the needs of its internally displaced populations. But the international community must recognize that the magnitude of the displaced population and the difficult period of post-Soviet economic transition that the country is experiencing presently limit the ability of the Government to address the reeds of the displaced singlehandedly: international assistance continues to be required.

79. While resource constraints may limit the Government's ability to meet the material needs of the displaced, there nonetheless are several important measures, involving little or no financial implications, which the Government could undertake to improve its response. These include: improving coordination between national and local authorities involved in addressing the plight of the displaced; reforming legislation governing the activity of non-governmental organizations in order to create an environment more supportive of their work; safeguarding the right to freedom of movement and choice of residence for the displaced; and ensuring that internally displaced persons are not excluded from or otherwise negatively effected by the process of land privatization currently under way. The implementation by the Government of such initiatives would provide the international community with strong indication of willingness on the part of the Government to assume, to the extent possible, its responsibilities towards its own people and, consequently, could help to convince the international community to continue to assist the national authorities in meeting the humanitarian as well as development needs of the displaced.

80. As noted above, over the course of the mission, the Representative detected a willingness on the part of government officials to work towards promoting the self-reliance of the displaced while at the same time strengthening its own capacity to meet their immediate basic needs. International agencies and the donor community, with whom the Representative shared this finding, noted that they welcomed it and would be interested in working with the Government in this direction. On the basis of these indications, the Representative began to explore with government officials and representatives of the humanitarian, development and diplomatic community the possibility of convening a meeting for the purpose of devising a common

strategy for meeting the immediate, medium and long-term needs of the internally displaced of Azerbaijan. Encouraged by their positive response to this suggestion, the Representative also has shared it with the Secretary-General and the Emergency Relief Coordinator as well as with the IASC-WG. In order not to lose the momentum of interest expressed in this idea, it would be important, particularly now that the Representative's full report on his mission is available, to proceed with the plans for this meeting as well as to devote attention to the other recommendations emanating from the mission.

81. Follow-up is a particularly important aspect of country visits. Often, as in the case of the mission to Azerbaijan, very specific suggestions are made which require implementation. It is important that information about their implementation be communicated to the Representative so that he can adjust his monitoring and advocacy efforts accordingly and give credit where it is due. When recommendations are not implemented, informing the Representative of the obstacles faced could facilitate their eventual realization. For instance, implementation might be impeded for want of resources; bringing this problem to the attention of the Representative would allow him to raise the issue with those in a position to respond. The Representative's experience in Azerbaijan as well as other countries he has visited has evidenced the potential contribution that can be made by bringing together relevant actors, that is, those signalling the need and those in a position to respond to it. The Commission, in addition to thanking Governments who have invited the Representative to visit their countries also has invited them to give due consideration, in their dialogue with the Representative, to his recommendations and suggestions and to make available information on measures taken thereon.

82. The nature of the mandate involves the Representative engaging in dialogue not only with Governments in the countries having situations of internal displacement but also the international organizations and agencies with a role to play in meeting the protection and assistance needs of the internally displaced. These latter also have an important role to play in the follow-up process. Their contribution in this regard can be considered as part of the support for the efforts of the Representative that they have been called upon by the Commission to provide. The Secretary-General, in correspondence with the Representative relating to the mission to Azerbaijan, has welcomed the Representative's initiative to share the findings of his mission with the ERC, the IASC Working Group and other relevant United Nations bodies, noting that these have an important role to play in furthering the recommendations resulting from the mission and underscoring that in dealing with internally displaced persons it is essential to foster a concerted international response by adopting a collaborative approach. To this end, the Representative is intending to submit an abridged version of his full report on his mission to Azerbaijan for circulation to the IASC membership as a background paper for what he would propose to be an in-depth consideration by the Working Group of the situation of internal displacement in Azerbaijan and how its membership can best support efforts to effectively address it. The Working Group's positive response to this request would be in line with the provisions in its TOR to provide support for all aspects of the mandate of the Representative and to closely collaborate with him in the discharge of his functions. It would also be consistent with its recent call to focus more on

the operational field dimension of internal displacement and, in a separate suggestion, to devote more attention to the humanitarian situation in the Caucasus, among other countries.

83. Ideally, of course, follow-up would take the form of a return visit by the Representative. The number of countries with internal displacement which the Representative potentially could visit compared with the limited resources presently at his disposal means that this is not a realistic option as a primary means for follow-up. Nonetheless, it is important to pursue possibilities in this regard, particularly relating to countries where the situation of internal displacement has deteriorated or has changed considerably with new needs having arisen. This unfortunately is the case in a number of the countries that the Representative has visited, including Burundi, Rwanda, Somalia, Sri Lanka, the Sudan and those of the former Yugoslavia. It is also very true of the situation of internal displacement in Colombia, which the Representative hopes to reassess through a follow-up visit at the end of May.

84. The Representative is hoping to use the occasion of his presence in Bogotá for the aforementioned regional conference on the Americas in May to also undertake an official follow-up visit in Colombia, further to his mission there in 1994. Since that time, the situation of internal displacement has deteriorated significantly to now affect an estimated 1 million persons, with new displacements continuing to occur. In his last report to the Commission, the Representative highlighted the need to establish a greater international presence in the country. In this connection, the Representative wrote to the United Nations High Commissioner for Refugees, calling upon her Office to become engaged with the situation of internal displacement in Colombia by establishing a presence in the country. He also wrote to the High Commissioner for Human Rights, to advocate the strengthening of the OHCHR presence in the country and the establisnment of a continuous presence in affected areas outside the capital. The subsequent decision of UNHCR to establish an office, albeit a small one staffed by two professionals, in Bogotá, and of OHCHR to strengthen the capacity of its presence in the country is thus welcome. So too is the designation from within existing staff of the OHCHR office of a focal point on internally displaced persons, with whom the office of the Representative has had exemplary cooperation in terms of regular contact for information-sharing, consultation on the drafting of national legislation relating to the internally displaced, and dissemination of the Guiding Principles. There remains a need, however, for OHCHR and UNHCR alike to strengthen their presence further in order to allow the establishment of field offices or, at least, more regular and prolonged visits to the field than can be undertaken at present.

85. The Colombian Government, for its part, has undertaken a number of measures towards improving the national response to the situation of internal displacement, in line with the Representative's recommendations from his initial visit to the country in 1994 (E/CN.4/1995/50/Add.1). In the document issued by the Government in September 1995, 21/ the Government incorporated recommendations made by the Representative, particularly by developing a number of mechanisms for addressing the needs of the displaced. Foremost among these was the creation of a "National Programme for Integrated Attention to the Population Displaced by Violence". This development was particularly

significant in that it reflected a recognition by the Government that violence is the main cause of displacement. Previously, the Government's definition of the internally displaced had referred to "natural or man-made disasters, or other circumstances originating from prior situations likely to drastically disturb the public order." 22/ Recognition that violence is the source of displacement also finds reflection in the legal framework, which has been strengthened for the internally displaced, most notably with the adoption, in July 1997, of Law 387 affirming, inter alia, the right to receive international aid, the right to enjoy internationally recognized civil rights, the right not to be discriminated against because one is displaced, the right to be reunited with family members, the right to find durable solutions to displacement, the right to return to the place of origin and the right not to be displaced. 23/ While the importance of these initiatives must be recognized, so too must the need for the Government to devote greater political support and resources in order to ensure their effectiveness. Given the change of political leadership in Colombia in 1998, a return visit by the Representative to discuss this and other recommendations for enhancing the national response 24/ would be particularly timely.

86. Extending an invitation for the Representative to undertake a follow-up visit to Colombia constituted one of the recommendations made by the High Commissioner for Human Rights in the course of her dialogue with government officials during her visit to Colombia in October 1998. The Representative welcomes this suggestion and looks forward to receiving the cooperation of the Government in this regard.

87. Along the same lines as his intended visit to Colombia, the Representative is hoping to combine his attendance at the aforementioned conference on internal displacement in Angola, to be held in Luanda in the spring of 1998, with an official visit to the country. Angola, like Colombia, has a long-standing situation of internal displacement which has deteriorated significantly. As a result of renewed conflict in many parts of the country, the number of internally displaced persons has risen sharply, by over 257,000 from January to October 1998, 25/ effectively wiping out the gains made the preceding year in resettlement efforts. The internally displaced in certain areas have been found to be in "deplorable living conditions" and subject to severe attacks on their life and physical security. 26/ It is thus not without good reason that the ERC returned from his mission to the country in May with an intention to request the Representative to help the IASC "focus on this outrageously protracted treatment of civilian populations in Angola". 27/ For the Representative to do so and make concrete recommendations of ways to meet the protection and assistance needs of the displaced, a country visit would be essential, especially given the rapidly changing events on the ground. A mission would also provide the opportunity to study the unique institutional arrangement that UCAH has had in place since 1997. Under this arrangement, an IDP monitor has been appointed to work with the national authorities to help strengthen the capacity of the Government to discharge its responsibilities towards its internally displaced population. Given this initiative on the part of the Government, the Representative is hopeful that an invitation to undertake a visit to Angola will be forthcoming.

88. In addition to country visits, there are other ways of focusing on specific situations of internal displacement and the national and

international responses to them. As noted above, in section II, there is the IASC framework in which concerns about the specific situations can be raised either under the standing agenda item on internally displaced persons or in the IASC-WG's consideration of humanitarian concerns in particular country situations. In addition to participating in the discussions on the particularly acute crises on the IASC's agenda, the Representative can also work to ensure that other serious situations of internal displacement are not neglected or forgotten by such forums. A case in point is the Representative's circulation among IASC members of a background paper on the situation of internal displacement in Uganda and his recommendation that the IASC-WG hold substantive discussions upon it (see sect. II).

89. Outside the IASC framework, the Representative himself can convene ad hoc meetings of experts to focus on situations of internal displacement. The recommendations of such meetings then can be disseminated to the IASC membership, government officials and the media. . This was done in the case of Kosovo. On 21 September 1998, the Representative, with the support of the Brookings Institution Project, convened in Washington, D.C. an Ad Hoc Working Group on the Protection of Persons under Threat in Kosovo. This meeting formulated a number of specific recommendations to the United Nations, the international community and the United States Government. Among the recommendations to the United Nations and the international community was a call to provide the Office of the High Commissioner for Human Rights with adequate resources to increase its presence in the field, evaluate and report on protection concerns, conduct an assessment of the legal system, engage in trial monitoring and visits to detainees in cooperation with the ICRC and, when appropriate, assist UNHCR in determining when conditions exist for return in safety and dignity. UNHCR, for its part, was encouraged to expand its presence in Kosovo and to be given all necessary support for doing so. Other United Nations agencies also were encouraged to consider expanding their operations in Kosovo to meet the growing humanitarian needs. The need to ensure the protection of the staff of local non-governmental organizations was underscored. While the return process already was under way at the time of writing, concerns surrounding the safety of conditions of return and the continued need for assistance for returnees as well as persons still displaced mean that a number of these and other recommendations of the meeting remain relevant.

90. More globally, attention has been drawn to a number of country situations throughout the world by four recent publications. Masses in Flight, the comprehensive study undertaken on the global crisis of internal displacement which was co-authored by the Representative and Roberta Cohen, includes a global overview, undertaken with the support of the US Committee for Refugees, of the various situations of internal displacement worldwide. A companion volume entitled The Forsaken People: Case Studies of the Internally Displaced, which was co-edited by the Representative and Roberta Cohen, contains 10 case studies from the various regions of the world: Burundi; Rwanda; Liberia; the Sudan; the countries of the former Yugoslavia, the North Caucasus, Azerbaijan, Armenia and Georgia; Tajikistan; Sri Lanka; Colombia; and Peru. Those case studies examining countries visited by the Representative contain updated information on the situation and an analysis of the extent to which the recommendations made in his reports on these missions have been carried out. At the suggestion of the Secretary-General, an

abridged, illustrated and more popularized version of the study has been prepared to reach wider audiences. Entitled Exodus Within Borders: An Introduction to the Crisis of Internal Displacement, it was written by David A. Korn, a former United States diplomat and author, and will also be published by Brookings in the spring of 1999. The NRC/Global IDP Survey's aforementioned Internally Displaced People: A Global Overview, published in 1998, and its undertaking of the Global IDP Database project currently under way also are relevant in providing country-specific analyses of the conditions of the internally displaced and indications of the nature and effectiveness of efforts to address these.

IV. AN AGENDA FOR RESEARCH

91. Studying ways and means for improved protection for and assistance to internally displaced persons provided the initial rationale for the creation of the mandate in 1992. To begin, there was the comprehensive study of the problem with which the Representative initially was charged. There followed, after several years of intensive study, the two-part compilation and analysis of the legal norms pertaining to the internally displaced which ultimately led to the formulation of the Guiding Principles. Meanwhile, the study of institutional arrangements within international, regional and non-governmental frameworks has been ongoing, with developments in this regard consistently forming a key component of the reports of the Representative to the Commission and the General Assembly. So too has attention to the particular needs of internally displaced women and children, who typically constitute the overwhelming majority of internally displaced populations and to whose specific concerns the Commission has asked the Representative to pay particular attention. The study of specific country situations, meanwhile, has been undertaken by means of country visits by the Representative who subsequently has detailed his findings and set out recommendations in the series of reports of country profiles in displacement that also have been presented to the Commission or General Assembly.

92. Bringing together these various aspects of research undertaken by the mandate are the three aforementioned publications, Masses in Flight, The Forsaken People and Exodus Within Borders, published by the Brookings Institution. With the completion of these studies, the major task of studying the global crisis of internal displacement and existing legal and institutional frameworks for addressing it largely is complete. There nonetheless remain several areas where additional research and thinking are required.

93. Strategies still need to be developed for approaching the problem of internal displacement when it occurs in countries that either do not acknowledge the problem or do not permit international involvement with displacement within their borders. To date, the countries upon which the Representative has been able to focus attention, through country visits, have been those that acknowledge the problem and are cooperative insofar as they permit the Representative to study it first-hand. For several years now, the Commission has called upon all Governments to facilitate the activities of the Representative, in particular those Governments with situations of internal displacement which have not yet extended invitations or responded positively to requests for information from the Representative. While welcoming a

reiteration of this call, the Representative also recognizes the need to develop innovative strategies for approaching the problem of internal displacement in countries that do not comply with this request. Clearly, it is not acceptable that countries experiencing serious problems of internal displacement should be able to evade international scrutiny and, in some cases, also deny their internally displaced populations international assistance and protection. The most appropriate way to approach this problem, however, remains unclear. Deliberations on this issue will form the focus of a conference, co-sponsored by the Brookings Institution Project on Internal Displacement and the US Committee for Refugees, to be held in Washington at the end of January 1999.

94. There is also the issue of non-State actors. The nature of contemporary conflict means that large numbers of internally displaced persons live in areas not under government control. How to address the plight of the displaced in such circumstances poses challenges for a State-based international system and, as a product of this system, the mandate of the Representative. In particular, questions of how to hold non-State actors accountable to international standards and principles arise. The Guiding Principles recognize that not only States but all other authorities, groups and persons have responsibilities for protecting and assisting internally displaced populations in territories under their effective control. As noted above, the Representative and non-governmental organizations already are undertaking to bring the Guiding Principles to the attention of non-State actors. In this connection, there is a need to focus more on monitoring the activities of non-State actors and developing strategies for engaging with them for the protection and assistance of the internally displaced.

95. A third theme of research in the coming year will examine donor policies towards the issue of internal displacement. Research into this subject, which already has been begun under the auspices of the Brookings Institution Project on Internal Displacement, will explore the ways in which donors approach the subject of internal displacement and the nature of the specific activities they fund, through both bilateral and multilateral assistance, for addressing the plight of internally displaced persons.

96. Fourth, continued research into the particular needs of internally displaced women and children is required. The Commission has welcomed the specific attention paid by the Representative, over the course of his mandate, to the special assistance, protection and development needs of internally displaced women and children and encouraged him to continue to draw attention to these needs. In this connection, the office of the Representative assisted with the recent papers prepared by UNICEF on the needs of internally displaced women and children and, in conjunction with the Women's Commission for Refugee Women and Children, on the gender dimensions of internal displacement. 28/ The office of the Representative, for its part, presented a paper on internal displacement and gender to the Humanitarian Principles Workshop: Focus on a Child Rights Approach to Complex Emergencies and Internal Displacement hosted by UNICEF in Brussels in October 1998. It also participated, as noted above, in the OAU seminar on Enhancing the Participation of Returnees, Refugees and Internally Displaced Women and Children in Reconstruction, Rehabilitation and Peace Building, held in Addis Ababa, also in October. In his statement to the seminar, the Representative stressed the importance of initiating

reintegration and development programmes for women and children while they are still uprooted so as to prepare them more effectively for return and reintegration. In particular, the Representative recommended that women should be regularly included in large-scale development projects such as reforestation, reconstruction and other non-traditional activities. Citing a number of different ways of achieving this, he underlined that incorporating support services in the projects could increase women's participation. So too could affirmative action clauses stipulating equal pay and access for women. While there exist encouraging examples in this direction, a much more systematic approach is required. Most important, the Representative urged access to credit for internally displaced women to enable them to start up their own businesses, and called upon international development banks to orient more of their funds to supporting small-scale programmes of direct benefit to uprooted women. On a related note, it is particularly welcome that the IASC-WG at its November 1998 meeting agreed that greater attention should be given to mainstreaming gender in the provision of humanitarian assistance. To this end, the IASC has established a sub-working group, to be co-chaired by WFP and UNICEF, to develop discussion on this issue further. The Representative, whose office will participate in this sub-working group, looks forward to contributing to this process as well as the contribution that these inter-agency deliberations will make to informing research on gender issues as these relate to internal displacement.

97. Finally, now that international awareness of the problem of internal displacement has been raised, an appropriate normative framework developed and institutional arrangements increasingly enhanced, it is time to develop new strategies and directions for the work of the mandate that will increase its impact in the field. Toward that end, the Representative has initiated a consultative process in order to benefit from the expertise and insight of others. A series of consultations to discuss future strategies and directions for the mandate are being convened under the auspices of the Brookings Institution Project on Internal Displacement over the latter part of 1998 and early 1999 to solicit the views of a number of individuals, representing a wide range of institutional and personal perspectives in terms of their involvement with the internally displaced. Those approached for consultation include representatives of the office of the Secretary-General and of the ERC, relevant United Nations and other international agencies and organizations engaged in human rights, humanitarian and development work, and academic experts familiar with the issue of internal displacement and the mandate. The OHCHR has participated in these discussions at a senior level. From the experience of the consultations already held at the time of writing the present report, the Representative is hopeful that these will help point the way towards the most appropriate future directions for the mandate.

V. CONCLUSION

98. Much has been accomplished since the mandate was created in 1992. The international community's response to the global crisis of internal displacement has advanced appreciably. On its part, the mandate has played a catalytic role that has focused on developing an appropriate normative framework of protection and assistance for the internally displaced. It has contributed to the development of a system of inter-agency collaboration in addressing the needs of the internally displaced. And it has established a

sustainable programme of country visits aimed at focusing attention on conditions on the ground and entering into dialogue with Governments and other pertinent actors to address the pressing needs of the internally displaced.

99. Nonetheless, providing an effective and comprehensive system of response to the needs of internally displaced populations around the world remains a daunting task that calls for a concerted effort from all concerned at all levels, local to global. With the Guiding Principles completed and launched, with institutional arrangements for inter-agency collaboration in place, and with a process of country missions and dialogue with Governments and other actors established, the system is better equipped than ever before to meet this challenge. The task ahead is to ensure that the developments towards making the system more effective in providing protection and assistance to the millions of internally displaced in desperate need of help have a meaningful impact on the ground. For the mandate, this means continuing the catalytic role but now with more of an emphasis on promoting the dissemination and use of the Guiding Principles, monitoring conditions on the ground to detect situations calling for urgent attention, interceding on behalf of the internally displaced as appropriate, and recommending collaborative action by the relevant operational agencies in the international system as well as, of course, the Government concerned. The mandate thus has entered a new and no less challenging phase.

100. For the mandate to address these challenges credibly, it will have to enhance its capacity with both human and material resources, which are at present dismally deficient. This must be a central issue of concern for the Commission, the Secretary-General, the Representative himself, and all those interested in ensuring that progress continues to be made towards enhancing responses to what is surely one of the greatest human tragedies of our time.

Notes

1/ Report of the Commonwealth Intergovernmental Group on Refugees and Displaced Persons, Commonwealth Secretariat, 1997, paras. 22, 29, 34 (viii).

2/ For an overview of the project, see "OHCHR's Project for IDPs" Human Rights: A Quarterly Review of the Office of the United Nations High Commissioner for Human Rights, No. 3 (Summer 1998), pp. 6-7.

3/ See Forced Migration Review, Issue 1 (January-April 1998) and Issue 2 (August 1998).

4/ Uprooted People, Issue 3 (May 1998) and its Supplement, The Mustard Seed, No. 49 (Fall 1998); On the Record, vol. 2, Issue 3 (7 October 1998).

5/ Jean-Philippe Layover, "Guiding Principles on Internal Displacement" International Review of the Red Cross, No. 324 (September 1998), pp. 467-480; Robert K. Goldman, "Codification of International Rules on Internally Displaced Person" ibid., pp. 463-466; "Guiding Principles on Internal Displacement" ibid., pp. 545-556.

6/ ICJ Review, vol. 61 (December 1998).

7/ "Monday Developments", InterAction, Washington, D.C., 14 September 1998.

8/ See, for instance, Tamil Centre for Human Rights, "Internally Displaced People - One Million in the Island of Sri Lanka", press release (20 July 1998); Nancy Beaudoin, "Colombian Nightmare" On the Record, vol. 2, Issue 3 (7 October 1998), pp. 7, 11; Stephanie T.E. Kleine-Ahlbrandt, "The Kibeho Crisis: Towards a More Effective System of International Protection for IDPs", Forced Migration Review, Issue 2 (August 1998), pp. 8-11.

9/ Joint statement by Caritas International and the Friends World Committee for Consultation (Quakers) to the Commission on Human Rights (Agenda item 9 (d): Human rights, mass exoduses and displaced persons), 9 April 1998.

10/ Officially entitled the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States.

11/ Inter-Agency Standing Committee (IASC) Recommendations Related to the Review of the Capacity of the United Nations (UN) System for Humanitarian Assistance, final version, 15 October 1998, para. 24.

12/ Ibid., para. 14.

13/ Ibid., para. 18.

14/ Ibid., para. 17. UNHCR's criteria for its involvement with internally displaced persons, which were initially set out in UNHCR/IOM/33/93 (28 April 1993), have since been restated in UNHCR/IOM/87/97 (2 December 1997). See also UNHCR, "Information Note: UNHCR's Role with Internally Displaced Persons", November 1998.

15/ IASC Recommendations, ibid., para. 15.

16/ Ibid., para. 20.

17/ Summary Record of the 18 November 1998 meeting of the Sub-Working Group on Improving the CAP, section 2 on "Update on the preparation of the 1999 Consolidated Appeals".

18/ See Steven Holtzman, "Conflict-Induced Displacement through a Development Lens" cited in Roberta Cohen and Francis M. Deng, Masses in Flight: The Global Crisis of Internal Displacement, Washington, D.C., Brookings Institution, 1998, p. 290, note 186.

19/ See, for example, Rosalba Owya, "Protection of Internally Displaced Women in Northern Uganda", paper presented to Brookings Institution-OAU-UNHCR workshop on Internal Displacement in Africa, Addis Ababa, 19-20 October 1998.

20/ Masses in Flight, pp. 213-238, 251-252.

21/ Republica de Colombia, Departamento Nacional de Planeación, Programa Nacional de Atención Inmediata a la Población Desplazada por la Violencia, Santafé de Bogotá, Planeación Nacional, 13 de septiembre de 1995, cited in Liliana Obregon and Maria Stavropoulou, "In Search of Hope: The Plight of Displaced Colombians", in Roberta Cohen and Francis M. Deng (eds.), The Forsaken People: Case Studies of the Internally Displaced, Washington, D.C., Brookings Institution, 1998, p. 440, note 2.

22/ Consulta Permanente para el Desplazamiento Interno en las Americas (CPDIA), Informe Final, Mision in situ de assitencia técnica sobre desplazamiento interno en Colombia, Costa Rica, November 1993, cited in Obregon and Stavropoulou, in The Forsaken People, ibid., p. 440, note 3.

23/ See Obregon and Stavropoulou, in The Forsaken People, ibid., p. 429.

24/ See ibid., pp. 433-440.

25/ Humanitarian Operations in Angola. Situation report for the period 1-7 October 1998.

26/ Ibid.

27/ ERC, Mission Report: ANGOLA, 18-21 May 1998, para. 8.

28/ UNICEF, The Needs of Internally Displaced Women and Children: Guiding Principles and Considerations, Office of Emergency Programmes Working Paper Series, September 1998; UNICEF and the Women's Commission for Refugee Women and Children, The Gender Dimensions of Internal Displacement: Concept Paper and Annotated Bibliography, 1998.

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SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES
AND DISPLACED PERSONS

Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 1998/50

Addendum

Profiles in displacement: Azerbaijan

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Introduction

1. Azerbaijan has one of the largest displaced populations in the world: approximately one out of every eight persons in the country is an internally displaced person or a refugee. Most of the displacement is caused by the conflict over the territory of Nagorno-Karabakh. By the time a ceasefire was concluded in May 1994, an estimated 650,000 Azeris had become internally displaced by the conflict, adding to the existing displaced population of 185,000 ethnic Azeri refugees who had come from Armenia between 1988 and 1990 and, unrelated to the conflict, over 40,000 Meskhetian Turks who had come from Uzbekistan in 1989. The conflict also created a large displaced population in Armenia, of over 300,000 refugees, mostly ethnic Armenian from Azerbaijan, and some 70,000 persons internally displaced from border areas. While the ceasefire has continued to hold for over four years now, a durable solution to the conflict and its concomitant displacement crisis remains elusive, leaving over 600,000 persons still internally displaced in Azerbaijan.

2. The situation of internal displacement in Azerbaijan, as in many other situations studied by the Representative of the Secretary-General, is characterized by conflict-induced flight of large numbers of people along ethnic lines. On account of having had to abandon their homes, property and livelihood, they suddenly found themselves among the poorest, most vulnerable members of society. The internally displaced, and particularly large numbers of women and children, are found in camps and public buildings, often in conditions of deprivation and largely dependent upon outside assistance to meet their basic needs.

3. On the positive side, if one could be said to exist under such tragic circumstances, a less common characteristic of internal displacement that is evident in Azerbaijan is the strong sense of solidarity between the Government and the displaced. This feature stems from the nature of the conflict causing the displacement, which has an external dimension, and the ethnic kinship existing between the national authorities and the overwhelming majority of the displaced. As a result, and unlike in many other countries, the internally displaced are not associated by the authorities with the "enemy" and targeted for abuses and attack on this basis.

4. The sense of solidarity between the Government and the internally displaced also extends to the search for durable solutions. It became clear over the course of the mission that return is the common and overriding goal of the authorities and the displaced alike. Indeed, return would appear the preferred solution for the majority of the displaced. However, it is difficult to predict when peace will materialize and create the possibility for large-scale return to occur. Under these circumstances, tensions arise between, on the one hand, hoping for a peaceful resolution to the conflict and return and, on the other, adequately addressing the pressing needs of the displaced for a decent and dignified life. The challenge for the Government and the international community is to reconcile these two objectives. The Representative undertook a mission to Azerbaijan to appraise the nature of this challenge and explore ways of addressing it in the interest, above all, of the displaced themselves.

5. At the invitation of the Government of Azerbaijan, the Representative undertook the mission to Azerbaijan from 21 May to 1 June 1998. The objectives of the mission were to examine the particular problems posed by the protracted nature of the situation of internal displacement and to contribute in a constructive manner to efforts to address them effectively, through solutions-oriented dialogue with the Government and with representatives of international agencies and non-governmental organizations (NGOs). In the light of the significant slowing in the momentum of the peace process in the spring of 1998 and its implication that the situation of internal displacement is likely to persist for some time to come, the visit of the Representative proved particularly timely in underscoring the need to make concerted efforts to address these challenges. Another aim of the visit was to raise greater awareness of the situation which, owing to its protracted nature and the absence of active hostilities for some years, has faded from international attention and suffers from a growing sense of donor fatigue. Furthermore, the particular characteristics of the situation of internal displacement in Azerbaijan provide useful insights into understanding the various dimensions of the phenomenon of internal displacement worldwide.

6. In undertaking missions and indeed in all aspects of his mandate, the approach of the Representative is based on the recognition that problems of internal displacement fall primarily within the national sovereignty of the State concerned and that sovereignty carries with it certain responsibilities on the part of the State to ensure the security and well-being of all populations under its jurisdiction. Ideally, these responsibilities would ensure the highest standard of human dignity. At the very minimum, they should guarantee the fundamental human rights to physical security and access to food and potable water, shelter, clothing and basic health and sanitation services. This combination of sovereignty and responsibility provides the framework for a cooperative approach by which Governments are expected to invite or, at least, accept international support if they lack the capacity to discharge fully their responsibilities to provide protection and assistance. Based on the twin premises of respect for national sovereignty and the responsibilities that it entails, the Representative's dialogue with Governments and other authorities is intended to be cordial and constructively candid, in pursuit of the common goal of durable solutions to the plight of the internally displaced. It is also in this light that the Representative recommends measures to be undertaken by the national authorities and the international community to address the situation more effectively.

7. The Guiding Principles on Internal Displacement, formulated by the Representative and presented to the Commission on Human Rights at its fifty-fourth session (E/CN.4/1998/53/Add.2), embody the approach of upholding sovereignty, while reinforcing the responsibilities that it entails. The Principles expressly recognize that the national authorities have the primary duty and responsibility to address the protection, assistance, return or resettlement, and reintegration needs of internally displaced persons within their jurisdiction and spell out the specific nature of these responsibilities. At the same time, the Principles are intended to provide practical guidance to all those dealing with internally displaced persons; to the Representative in carrying out his mandate; to States when faced with the phenomenon of internal displacement; to all other authorities, groups or

persons in their relations with internally displaced persons; and to intergovernmental and non-governmental organizations when addressing internal displacement.

8. The mission to Azerbaijan was the first to have been undertaken by the Representative since the formulation of the Guiding Principles. Throughout the mission, the Representative used the Guiding Principles as a basis for his dialogue with government officials, representatives of international organizations and non-governmental organizations, both local and international, and representatives of the donor and diplomatic community. The Guiding Principles were well received by these various actors. Dissemination efforts were greatly facilitated by the translation (unofficial) of the Guiding Principles into the Azerbaijani language, in both the Roman and Cyrillic scripts, which the Office of the United Nations High Commissioner for Refugees (UNHCR) had arranged and for which the Representative is especially grateful. As the feedback received by the Representative affirmed, translation of the Guiding Principles into the local language is an important means of enhancing understanding of the norms relevant to the needs of internally displaced persons and providing guidance to government officials, other authorities, groups and persons, and local non-governmental organizations in a position to address these needs. The Minister of Justice noted that protection for internally displaced persons requires the incorporation of their rights in legislation and in this regard welcomed the Guiding Principles as a valuable reference for use within the national legislative framework. The Deputy Minister of Health specifically welcomed the attention paid in the Guiding Principles to economic and social rights. Both of these officials and several others indicated that they would study the Guiding Principles and communicate any additional comments to the Representative.

9. The Representative wishes to express his appreciation to the Government of Azerbaijan for having invited him to visit the country and for the candid and cooperative approach displayed by government officials. He is particularly grateful for the cooperation and assistance of the Chairman and members of the Republican Commission for International Humanitarian Assistance and of the State Committee for Refugees and Displaced Persons, as well as to the personnel of the Cabinet of Ministers.

10. The Representative was received by President Heidar Aliev, Prime Minister Artur Rasi-zade, Deputy Prime Ministers Izzet Rustamov and Abid Sharifov, the Ministers of Foreign Affairs, Justice and Social Security, the Deputy Minister of Health, the Head of the Humanitarian Department in the Office of the President, the Chairman of the State Committee on Refugees and Displaced Persons, the Republican Commission for International Humanitarian Assistance as well as its Working Group, the Commission on Reconstruction, the Director of the Azerbaijan Reconstruction and Rehabilitation Agency (ARRA) and personnel of the Cabinet of Ministers dealing with the problems of internally displaced persons. He held separate meetings with representatives of United Nations agencies and international humanitarian organizations, local and international NGOs, the international donor community and the diplomatic missions of the countries (France, the Russian Federation and the United States) co-chairing the Organization for Security and Cooperation in

Europe (OSCE) Minsk Group undertaking conflict settlement efforts. He also met with representatives of several agencies, NGOs and donor Governments on an individual basis.

11. The Representative visited internally displaced and returnee communities in a number of different settings and areas throughout the country. Specifically, he visited internally displaced persons living in public buildings in the Xatai and Binagady districts of the capital city, Baku, and in camps and settlements in the regions of Bilasuvar, Barda and Agjabedi. In Agjabedi district, he met with Kurdish displaced persons in the Kelbajar Winterland and Lachin Winterland settlements. He also visited returnees at reconstruction and rehabilitation sites in the Fizuli region, specifically in the town of Horadiz and Yukhari Kurdmahmudlu village. In the districts of Baku and the regions visited, the Representative was received by the head of the local Executive Committees. In the Lachin Winterland camp, situated in Agjabedi region, he also was received by the head of the Executive Committee of Lachin in exile. During all of these visits, the Representative spoke directly with displaced persons and returnees, and made a point on several occasions of meeting, accompanied by women members of his delegation, with displaced and returnee women separately in order to facilitate frank discussion of their particular concerns. The Representative did not receive permission from the Government to visit Nagorno-Karabakh and other occupied territories from where the internally displaced originated.

12. The present report is based primarily on information gathered during the mission, but also takes into account secondary sources of information, including reports of intergovernmental and non-governmental organizations on human rights and displacement issues, and press reports.

13. The report is divided into five sections. Section I provides an overview of the displacement crisis, in terms of the country context in which it occurs and its causes and main characteristics. Section II sets out the responsibilities and frameworks for response of the Government and the international community for addressing the needs of the displaced. Section III assesses the conditions of the displaced, as found during the mission, and identifies outstanding needs. Section IV examines the possibilities and prerequisites for durable solutions to the plight of the displaced. The report concludes with a series of recommendations. Throughout the report, where appropriate, reference will be made to relevant provisions of the Guiding Principles on Internal Displacement, which serve as the benchmark against which the Representative monitors and measures the plight of the internally displaced. Finally, the spelling of place names reflects that used in the main reference material on which the Representative relied and is not in any way intended to connote a particular position on the political status of the areas concerned.

I. THE DISPLACEMENT CRISIS

A. The country context

14. Azerbaijan is located in the Caucasus region, bordered by Iran in the south, Armenia and Georgia in the west, the Caucasus Mountains and the Russian Federation in the north and the Caspian Sea to the east (see annexed

map). The region represents a crossroads between Europe, the former Soviet Union, the Middle East and Asia; between Christianity and Islam; and between the historical spheres of influence of the Persian, Russian and Ottoman empires. Figures for 1997 place the population at 7,566,000. Ethnically, the population is predominantly comprised of Azeri (Turkic) peoples. Ethnic minorities constituted less than 20 per cent of the population before the war over Nagorno-Karabakh, with ethnic Russians and Armenians comprising the largest ethnic groups, while Lezghins, Avars, Talyshes, Kurds, ethnic Georgians and several other nationalities made up the remainder. The official language is Azerbaijani and the majority of the population is Muslim, although other language and religious groups are also present. 1/ It should be noted that throughout this report the term "Azeri" refers to persons of Azeri ethnicity, while the term "Azerbaijani" refers to the citizenry or the institutions of the country.

15. The geography of Azerbaijan is complex and unique, containing nine of the world's eleven climatic zones in an area of approximately 86,600 square kilometers. The country is rich in natural resources, especially oil and gas reserves, but also metals. The fertile agricultural land is used principally for the cultivation of cotton, tobacco, grapes and, in some areas, silk. During the Soviet period, particularly in its later years, Azerbaijan enjoyed a relatively high rate of economic growth. However, it was not self-reliant, as it produced few consumer products and insufficient agricultural products to meet domestic demand. When Azerbaijan declared its independence in August 1991, its economy was still heavily dependent upon other former Soviet republics as a source of inputs and markets for its own goods.

16. Azerbaijan, like other former Soviet countries, is currently in a phase of transition from a centrally-planned to a market-based economy. Coinciding with this difficult period of structural reform, the conflict over Nagorno-Karabakh has complicated the transition process and further constrained the capacity of the Government to address the socio-economic needs of its people. According to an assessment conducted by the World Bank, 68 per cent of households surveyed are classified as "poor", of which 24 per cent are "extremely poor". The highest poverty level, of 79 per cent, is found among the internally displaced, of which 41 per cent are considered "extremely poor". 2/ The fact that the social security system no longer exists in as extensive a form as during the Soviet period further exacerbates the plight of the poor. Compounding the high level of poverty are growing inequalities in the distribution of income. This gap is expected only to widen with the anticipated influx of wealth from oil revenues.

17. Azerbaijan is one of the oldest petroleum producing countries in the world, with substantial reserves for future development. Since the country's independence, foreign investment has played an increasingly important role in the development of the oil sector. The Government has concluded contracts for oil exploration and development with several international consortiums. While oil production alone will not create large numbers of jobs, "multiplier effects" throughout the economy are expected to generate significant employment. However, the development of the energy sector is not expected to pay major dividends in terms of national wealth until around the year 2005 because oil revenues for the first several years will go towards paying back

investment costs. 3/ While the development of the energy sector is a source of considerable confidence in the economic potential of Azerbaijan, this optimism must be tempered with the existing harsh realities of high unemployment, high poverty, inequities of income distribution, insufficient diversification of the economy and inadequate resources to support essential social services during this process of economic transition. The large influx of wealth from oil revenues, unless properly managed, is expected to exacerbate existing disparities in the distribution of income. Moreover, unless it is redirected to domestic investment in other sectors, it risks increasing the dependency of the economy on the export of natural resources and, consequently, its vulnerability to fluctuations in world prices for oil and gas. These consequences may, in turn, have ramifications for the political stability of the country and the region.

18. The phase of transition currently under way in Azerbaijan also extends to the political system. Steps are being taken towards good governance, such as the holding of elections and the adoption by referendum of the new Constitution providing the basis for a democratic society. Nonetheless, further measures are required, particularly in the area of strengthening the independence of the legislature and the judiciary and in ensuring greater decentralization and delegation of authority to regional and local bodies. A particularly important aspect and indication of political reform is the development of civil society. Since independence, more than a thousand non-governmental organizations, focusing on a variety of issues, including displacement and human rights, have been established. However, the environment in which they operate is characterized by several constraints, to be explained below, which impede the growth and activity of civil society.

19. It is in this context of a newly independent country undergoing a period of significant economic and political adjustment that the conflict and internal displacement crisis occurred, exacerbating an already difficult socio-economic situation and period of post-Soviet transition. These circumstances inevitably have constrained the capacity of the Government not only to meet the needs of the internally displaced but also to fully discharge its responsibilities towards the population of Azerbaijan at large. Thus, the situation of internal displacement and the responses to it must be viewed in the context of the difficult socio-economic circumstances facing the population in general.

B. Conflict as the cause of displacement

20. Internal displacement in Azerbaijan is a direct consequence of the conflict over the territory of Nagorno-Karabakh, a mountainous and fertile region (the literal translation of its name being "Mountainous Black Garden") covering some 1,700 square miles in western Azerbaijan. The territory is close to - in some parts by only a few kilometres - but not contiguous with Armenia. Ethnic Armenians constituted the majority of its pre-war population of 180,000, although there also was a significant presence of some 40,000 ethnic Azeris.

21. Nagorno-Karabakh is a region to which both Azerbaijan and Armenia claim historical ties stretching back centuries. However, the roots of the present conflict can be traced to the early twentieth century. After the Russian

revolution, Azerbaijan and Armenia fought as newly independent States over Nagorno-Karabakh. The Paris Peace Conference of 1919 recognized Azerbaijan's claim to the territory. After Azerbaijan and Armenia were incorporated in the Soviet Union, this territorial arrangement for Nagorno-Karabakh was retained, while Armenia was awarded the district of Zangezur which had connected Azerbaijan to its westernmost region of Nakhichevan. Thus, on the resulting map of the region, Nagorno-Karabakh and Nakhichevan were enclaves whose inhabitants were separated from their ethnic kin in the titular republics of Armenia and Azerbaijan respectively. The Soviet handling of the nationalities issue, as reflected in the manner in which borders were drawn, formed part of a wider strategy aimed at safeguarding the centralization of power in Moscow by keeping nationalities in the peripheral regions divided and interdependent so that none would be able to break away from the Union. 4/ However, rather than resolving nationalist disputes, this strategy had the reverse effect of reinforcing them, by raising grievances about the treatment of ethnic minorities outside of their titular republics.

22. Towards the end of the Soviet era, nationalist aspirations in Nagorno-Karabakh resurfaced with renewed force. Beginning in 1988, ethnic tensions intensified and began to take a violent form targeting Azeris in Nagorno-Karabakh and Armenia and ethnic Armenians in Azerbaijan, with particularly violent attacks occurring against the latter in the city of Sumgait in February 1988 and in the capital, Baku, in January 1990. Following the collapse of the Soviet Union in autumn 1991, both Armenia and Azerbaijan became independent States. On 6 January 1992, the ethnic Armenian leadership of Nagorno-Karabakh proclaimed the "Republic of Nagorno-Karabakh" - a claim which neither Azerbaijan nor the international community recognizes - and the dispute entered a new phase of civil war.

23. While the conflict concerns and is concentrated on territory falling within the internationally-recognized borders of Azerbaijan, it also has an unmistakable external dimension which has the effect of "internationalizing" it. It is generally accepted that the Karabakh Armenian cause has received considerable economic and military support from Armenia and the ethnic Armenian diaspora. 5/ For this reason, analyses of the conflict tend to describe the conflict as one between the Government of Azerbaijan and "Armenian forces", the latter, deliberately ambiguous, term referring to the Karabakh Armenian forces and their wider membership, which may include citizens of Armenia, mercenaries and members of the armed forces of Armenia. 6/ The United Nations Security Council resolutions on the conflict reflect its international dimension in explicitly referring to the deterioration of relations between Armenia and Azerbaijan and the resulting tensions between them, urging the Government of Armenia "to continue to exert its influence" over the Nagorno-Karabakh Armenians, and urging "States to refrain from the supply of any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory". 7/ Another manifestation of the international dimension of the conflict is found in the economic blockade imposed against Armenia by Azerbaijan. In this connection, the Security Council has expressed, by means of a statement by its President, "deep concern at the devastating effect of interruptions in the supply of goods and materials, in particular energy supplies, to Armenia and to the Nakhichevan region of Azerbaijan" and called on Governments in the region "to allow humanitarian supplies to flow freely, in particular fuel". 8/

The continued imposition of this blockade is a reflection of the fact that while the ceasefire has put an end to active hostilities, serious tensions remain.

24. At the time that the Russian-brokered ceasefire came into force on 12 May 1994, "Armenian forces" controlled all but the north-eastern-most section of Nagorno-Karabakh, all of the surrounding districts to the west and south of the enclave and portions of the districts of Fizuli, Terter and Agdam to the east, collectively covering some 17 to 20 per cent of the territory of Azerbaijan. The war thus affected a much larger area and population than that of the territory of Nagorno-Karabakh centrally at issue, uprooting approximately 1 million people from and within Azerbaijan and from Armenia, resulting in the deaths of an estimated 20,000 to 25,000 persons, injuring countless more and leaving an unknown but not insignificant number missing or taken hostage. 9/ The war also exacted severe material damage, because hostilities often took on a pattern of looting and systematic burning of captured areas. 10/

25. Since the summer of 1992, the OSCE has engaged in efforts to achieve a peaceful solution to the conflict under the aegis of its 11-country Minsk Group, currently under the co-chairmanship of France, the Russian Federation and the United States. 11/ Following the conclusion of the ceasefire, the OSCE Budapest Summit of December 1994 agreed on the eventual establishment of a peacekeeping force - the first of its kind for the Organization. This proposal has yet to be realized. Meanwhile, conflict settlement efforts continue.

26. A proposal presented by OSCE to the parties in September 1997 had generated considerable optimism within the international community that a solution to the conflict would be found before the end of the year. Azerbaijan had accepted the proposal and Armenia, under the leadership of President Levon Ter-Petrossian, had also accepted it, with reservations, as a basis for future negotiations. However, political developments in Armenia in the spring of 1998, namely the resignation of Ter-Petrossian and the holding of presidential elections in which the Government's approach to the peace negotiations proved to be a major issue, resulted in the election of Robert Kocharian as president. It then became necessary to clarify the positions of the parties. With this aim, the Minsk Group co-chairmen undertook a visit to the region in mid-May, just days prior to the visit of the Representative, and ascertained that there existed considerable differences in the approaches of the parties to the conflict settlement process. On the positive side, the parties reaffirmed their adherence to the ceasefire and their commitment to continuing conflict negotiations within the framework of the Minsk Group. Yet, in stark contrast to the optimism of late 1997 that considerable progress had been made on the path towards peace, the prevailing view at the time of the Representative's visit was that it could not be predicted with any certainty when and in what manner the conflict will be resolved. While open calls, on both sides, to consider a military solution represent a minority view, they nonetheless indicate that the threat of a return to armed conflict cannot be dismissed. It should be noted that the Presidents of Azerbaijan and Armenia have both declared a commitment to settling the conflict by peaceful means, but significant differences remain regarding the terms on which to do so.

27. To be sure, the fact that the ceasefire, initially agreed upon for a period of three months, has held for more than four years is a significant achievement. Nonetheless, it falls far short of a lasting solution to the conflict and its concomitant displacement crisis. The conflict, in other words, is in a stage neither of active war nor of active peace. The durability of the ceasefire thus could be considered as a victim of its own success: the absence of hostilities appears to have removed the urgency for peace. Moreover, while the ceasefire put an end to large-scale hostilities, sporadic skirmishes along the border continue.

28. In the absence of a lasting solution to the conflict and in the light of the security incidents that continue to occur in the border areas, the option of large-scale return of the displaced populations also remains elusive. Some return has occurred and more is at present taking place in certain formerly occupied areas of Azerbaijan, the so-called "war-liberated" areas. However, for those internally displaced from the significant amount of territory still under occupation, the resolution of the conflict remains a prerequisite to return.

C. Patterns of displacement

29. As internal displacement in Azerbaijan is a direct consequence of the conflict, the patterns of displacement followed developments in the hostilities and, like the conflict itself, occurred along ethnic lines. The first phase of displacement, which was predominantly cross-border in nature, occurred between 1988 and early 1991 when ethnic tensions resulted in what essentially was a wholesale exchange of populations on the basis of ethnicity between Azerbaijan and Armenia, with over 300,000 ethnic Armenians fleeing from Azerbaijan to Armenia and some 185,000 ethnic Azeris fleeing from Armenia to Azerbaijan. In the spring of 1991, and with the aid of Soviet forces, the Government of the then Azerbaijani Soviet Republic conducted an exercise known as "Operation Ring", ostensibly for the purposes of internal passport control, which resulted in the forced displacement of ethnic Armenians from several villages on the periphery of Nagorno-Karabakh into the enclave or to Armenia. 12/ Some of this latter group of displaced returned to their home areas in late 1991 and in 1992.

30. Beginning in the autumn of 1991, as ethnic violence and tensions erupted into internal armed conflict between the Karabakh Armenian forces and those of the Government of Azerbaijan, the displacement crisis also changed character to become predominantly internal in nature. A series of violent attacks, by which Karabakh forces gained control of the cities of Khojaly and Shusha in Nagorno-Karabakh in the spring of 1992 and of a land corridor between Nagorno-Karabakh and Armenia in the area around Lachin in June 1992, resulted in the wholesale displacement of the ethnic Azerbaijani and Kurdish populations, as well as of Meskhetian Turk refugees settled in these areas. Counter-offensives by Azerbaijani forces beginning in late June 1992 displaced some 40,000 ethnic Armenians. The biggest wave of displacement occurred in 1993, when Karabakh Armenian forces not only reversed earlier losses but also made significant military gains beyond Nagorno-Karabakh, including the entire Lachin district connecting the enclave to Armenia and the whole or large parts of the predominantly Azeri-populated provinces surrounding Nagorno-Karabakh, displacing an estimated 450,000 to 500,000 persons. An

offensive in April 1994 led to further gains in the northern parts of Nagorno-Karabakh and districts to the north-east, displacing another 50,000 persons.

31. The overwhelming majority, over 99 per cent, of the internally displaced population are ethnic Azeris. The remainder are some 4,000 Kurds from the Lachin and Kelbajar districts and several hundred persons of various other ethnic groups, mostly Russian. The most recent government statistics indicate that 47.4 per cent of the internally displaced population is male and 52.6 per cent female. Children under 17 years of age represent 32 per cent of this population and pensioners some 19 per cent. 13/ The occupational background of 40 per cent of the displaced is agriculture, 6.1 per cent education, 5.4 per cent health care, 4.8 per cent construction, and 11.4 per cent various other professions, while one third are without any formal profession. 14/ The level of education of the internally displaced is relatively high: 71 per cent have some, if not full, secondary school education, 10 per cent have completed higher education and 10 per cent have completed technical education or incomplete higher education. 15/

32. The internally displaced are dispersed throughout the country. In the initial phases of internal displacement, they settled in a spontaneous manner, mostly in urban areas where they found accommodation with relatives or in public buildings such as schools, dormitories, technical institutes and rest houses. Settlement patterns changed significantly in the summer of 1993, with the establishment of tent camps in the southern and central parts of the country, around the towns of Imishli, Sabirabad and Bilasuvar in the south and Agjabedi and Barda in the central regions. The camp population, which had peaked at over 100,000, at present stands at some 74,000 persons. Towards the end of 1993, and particularly in 1994 and 1995, settlements of pre-fabricated houses were built with the help of international agencies. Abandoned railway cars, in which some 4,300 internally displaced still reside, were also used as spontaneous settlement. 16/

33. At present, just over half of the internally displaced are located in urban areas, especially in the capital, Baku, and the nearby city of Sumgait on the eastern coast and in the cities of Ganja and Mingchevir north of Nagorno-Karabakh. The trend among the displaced towards urban migration, especially to the capital and its suburbs, suggests that this percentage is likely to rise. In the cities of Imishli and Beylagan, it is estimated that internally displaced persons constitute as much as 50 per cent of the population. 17/

34. The patterns of settlement often run counter to the former livelihood and geographic environment of the displaced. For instance, most of the agricultural workers among the displaced live in urban areas. 18/ Conversely, most of the internally displaced persons originating from mountainous regions did not settle in the north and south-east areas of the country, where the climatic conditions most closely resemble their previous environment. Concern that the influx of internally displaced persons into these areas would result in fewer economic opportunities for the local population and, in turn, risk conflict among the number of ethnic minorities living there is reportedly the reason why significant settlement did not occur in these areas. 19/

35. Notwithstanding the disruptive experience of displacement, community links have often proved resilient. In several of the public buildings, camps or other settlements, large numbers of internally displaced persons from the same community or region can be found. In some places, this concentration has lent itself to community structures recreating themselves. In a camp near the town of Barda, for example, the camp population of more than 6,000 persons have settled and organized themselves on the basis of their area of origin. One manifestation of this trend is in education, where parallel school systems have been established for students and teachers from each of the four main home communities represented in the camps.

36. The phenomenon of community structures remaining intact is particularly evident among the internally displaced Kurds. At the Kelbajar Winterland Camp located at the Auberon site south of Barda and at the Lachin Winterland Camp in the Agjabedi district, the Representative visited communities of internally displaced Kurds from Kelbajar and Lachin respectively who had settled on lands to which they traditionally migrated on a seasonal basis. These Kurdish communities are semi-nomadic peoples who would spend the spring and summer months grazing animals in the mountainous regions around Kelbajar and Lachin, both of which are located between Nagorno-Karabakh and Armenia in what now is occupied territory, and then migrate with their animals to less mountainous regions in central Azerbaijan in the winter months. Shelters (which in the case of Lachin Kurds consisted of dugouts on a dusty plain) for the population and their livestock, as well as other structures and cemeteries, had existed in these areas for years. The historic migration pattern of this community is well recognized, to the extent that it was reflected in the system of land distribution to regional authorities. The Auberon site settled by the Kelbajar Kurds, for example, had been allotted to the Kelbajar Executive Committee in 1972, even though geographically the land is located outside of its administrative district. With the outbreak of conflict and the concomitant displacement of these communities, the seasonal settlement of the Kurdish communities in central Azerbaijan took on a permanent nature.

37. Whenever possible, families remained together or rejoined after displacement. However, economic circumstances have often compelled the separation of families, as men of working age leave the family in search of a livelihood in the cities or as far afield as Russia where there exist opportunities for seasonal employment.

38. Within the family, the experience of displacement has affected gender roles. According to the traditional family structure in Azerbaijan, men are responsible for providing income while women act as the principal family care-givers by undertaking all household chores, cooking and caring for the children, in addition to whatever economic activity they may have been engaged in. Displacement has compelled many internally displaced women to assume new or at least increased responsibilities for financially supporting the family, because of the death, disablement or unemployment of the men in the family.

39. The changes in gender roles, however, are not fully reflected in the social structures of internally displaced communities. A difference was noticeable between the internally displaced populations visited in urban and rural areas. In urban areas, men and women alike were represented in the groups of internally displaced who came forth to meet with the Representative;

indeed, the women tended to be the most outspoken and assertive in communicating the community's concerns. By contrast, in several of the camps it was predominantly, and sometimes exclusively, men who assembled in public areas to meet with the Representative; the women remained close to their homes, although efforts were made by the women comprising his delegation to consult with these women on an individual basis. Even when gatherings of camp populations were mixed, the men and women tended to be clustered separately. In all of the areas visited, the Representative, along with the women comprising his delegation, undertook to consult directly, often separately, with women in order to hear their specific concerns and create conditions in which they could feel at ease in sharing them.

II. RESPONSIBILITIES AND THE LEGAL AND INSTITUTIONAL FRAMEWORKS FOR RESPONSE

A. The Government

40. The primary duty and responsibility for addressing the needs of the internally displaced persons lies with the national authorities. The Guiding Principles reaffirm this duty and responsibility in Principle 3.

41. Recognition by the Government of Azerbaijan of its responsibilities towards the internally displaced is reflected in the national legislative framework. It is noteworthy in this regard that Azerbaijan was the first of the former Soviet States to adopt a national law on internally displaced persons. Although the Law on the Status of Refugees and Displaced Persons, adopted on 29 September 1992, does not expressly refer to "internally displaced persons", they are covered by the term "displaced person", which applies, article 1 stipulates, inter alia, "to persons having to leave the place of their habitual residence and go to another place on the territory of Azerbaijan".

42. Persons covered by the law are entitled to a number of guarantees, including: free living accommodation in an assigned place of temporary residence; free transit and transportation of property to the place of temporary residence; free medical assistance at the place of temporary residence for the aged, children, the poor and families without any means of income; education for children and adolescents; the purchase of food and industrial goods in populated areas on equal conditions with permanent residents; receipt of (unspecified) special grants and allowances; payment of pensions and allowances; exemption from payment for apartment rental and for public utilities (except those used for industrial and economic activity); tax privileges; the possibility of compensation for material and other damage caused by displacement; choice of the place of permanent residence from among the choices suggested by the relevant authorities, who are to take into account the place of work; allocation of land; and choice of the place of work, again as suggested by the authorities. Furthermore, the law affirms that the persons to which it applies shall have the same rights, freedoms and duties of all citizens of Azerbaijan and are entitled to apply to the relevant government bodies and to judicial bodies in defence of their rights. Principle 1 of the Guiding Principles affirms that internally displaced persons shall enjoy, in full equality, the same rights and freedoms under

international and domestic law as do other persons in their country and shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.

43. The law as adopted in 1992 provided for the cessation of its application inter alia upon the return of the internally displaced to their place of habitual residence, their receipt of another place of residence free of charge in the same region or the lapse of five years since the granting of displaced person status under the law. In the light of the fact that many of the internally displaced have now been uprooted for over five years and are still unable to return to their areas of origin, in April 1998 amendments were made to the law to allow for the prolongation of status beyond the five-year time limit, on an annual basis. 20/ Those who are able to return continue to be covered by the law on displaced persons for one year.

44. Another relevant piece of legislation is the presidential decree on human rights issued in February 1998 in commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights and which contains several provisions pertaining to displaced persons. 21/ The decree calls upon the Cabinet of Ministers to formulate proposals for more effectively ensuring the economic and social rights of several particular groups of persons, including refugees and forced migrants. The Ministry of Foreign Affairs is charged with ensuring that applications are made to appropriate international organizations with a view to redressing the rights of refugees and forced migrants violated as a consequence of the conflict, and to obtaining compensation for damage suffered. In this connection, the law further stipulates that representatives of the Government in various international forums are to reinforce efforts for the restoration of the rights of persons displaced by the conflict.

45. An area where the legislative framework is particularly in need of reform relates to the propiska, or residence permit, system which was in force throughout the Soviet Union and of which vestiges remain. The propiska, in the form of a stamp in internal passports, restricted individuals to one legal place of residence and, on that basis, regulated many aspects of daily life as it was required in order to work, attend school, get married and engage in other important civic activities. Although the Constitution of Azerbaijan has officially abolished the propiska system, a number of laws continue to refer to it so that, in certain regards, the propiska system remains in place. The resulting restrictions on freedom of movement place particularly undue hardships on the displaced by limiting their ability officially to establish residence in areas, other than those to which they were initially assigned, where they may wish to migrate in search of better economic opportunities. The remnants of the propiska system still evident in Azerbaijan as well as in several other Commonwealth of Independant States (CIS) countries are inconsistent with the right to liberty of movement and freedom to choose one's residence enshrined in article 12 of the International Covenant on Civil and Political Rights and reflected in Guiding Principle 14. In accordance with the Programme of Action of the CIS Conference on Forced Migration and in cooperation with UNHCR, OSCE and the International Organization for Migration (IOM), the Government has begun to reform legislation relating to the propiska, but there is a need to accelerate this process in order to ensure full respect for the right to liberty of movement and choice of residence.

46. Regarding the institutional framework, a number of government bodies are involved in addressing the plight of the internally displaced. The Ministries of Health, Education, Labour and Social Affairs, as well as parliamentary commissions for social policy and for human rights, address aspects of the needs of the internally displaced within their respective areas of activity. More focused attention is provided to the internally displaced by the State Committee for Refugees and Internally Displaced Persons, which has primary responsibility for these populations. Branch offices in the various affected regions have been established to work closely with the Executive Committees, or regional authorities, in rendering direct assistance to the displaced. Within each Executive Committee, there exists a working group on refugees and internally displaced persons, with a representative in each camp or other large settlement of internally displaced persons.

47. At the national level, there is also the Department for Refugees and Forced Migrants within the Cabinet of Ministers. Represented in this Department and its working group of experts are the various national bodies relating to displaced persons, including the State Committee for Refugees and Internally Displaced Persons, as well as the "Executive Powers" (district authorities) of the areas from which the internally displaced originate. The Department has oversight over the implementation of legislation relating to the displaced. Accordingly, its staff undertake on-site visits and it deploys representatives to tent camps and shelters where internally displaced populations reside.

48. Another important national body, the Republican Commission on International Humanitarian Assistance, coordinates the receipt and distribution of international humanitarian assistance. The Commission, which is chaired by the Deputy Prime Minister, Izzet Rustamov and is comprised of 16 representatives of relevant government bodies (including the presidential apparatus, a number of ministries, the Customs Committee and the State Committee for Refugees and Internally Displaced Persons) meets on a monthly basis. Its working group is charged with implementing the decisions of the Commission and managing issues relating to international humanitarian assistance on a day-to-day basis. Each member of the working group is charged with liaising with specific international organizations and NGOs and coordinating programmes in specific areas of Azerbaijan. Members of the working group also undertake visits to the regions to monitor the distribution of aid and implementation of the decisions of the Commission at the local level.

49. There is also the State Commission for Reconstruction and Rehabilitation, established in the summer of 1996, and chaired by Deputy Prime Minister Abid Sharifov. Falling within the framework of the Commission is the Azerbaijan Reconstruction and Rehabilitation Agency (ARRA) which was established to coordinate all external and internal inputs geared towards reconstruction. The activities of these government bodies focusing on reconstruction and rehabilitation are examined in greater detail in section IV.

50. As this overview indicates, there exists an impressive array of government bodies with responsibilities relating to internally displaced persons. However, precisely because of the number of these bodies, there

would seem to be a need for an overarching coordinating mechanism to ensure cohesiveness and comprehensiveness in their collective response. The creation in 1995 of the Republican Commission on International Humanitarian Assistance was reported, by government and international representatives alike, to have significantly improved cooperation within the Government, between the Government and local authorities and, in particular, between the Government and humanitarian aid organizations and donors. Even so, government officials themselves were the first to acknowledge that greater coordination is needed within the Government and among the national and local authorities. An important step in this direction has been taken with the efforts by the Government to establish, on the basis of a framework developed by IOM, a State Commission for Development of the Unified Migration Management Programme to cover the five separate but interrelated programme areas of: refugees and internally displaced persons; labour migration; policy and management; border management; and migration information systems. The Representative was informed that additional proposals for improving coordination and consolidating the activities of the various relevant bodies have been made. The Representative encourages the Government to give serious consideration to these and other proposals to the same effect.

51. Aside from the issue of coordination, the capacity of the Government to respond in a comprehensive and effective manner to the plight of its internally displaced population is constrained by insufficient resources relative to the considerable needs resulting from internal displacement of such magnitude and duration. For instance, the monthly government subsidy that internally displaced families receive is only 7,000 manats (the equivalent of about 2 United States dollars); it is known as "bread money", in reference to the small range of basic needs that it covers.

B. The international community

52. As a result of the recognition by the Government of its responsibilities towards the internally displaced but inability fully to meet their needs, it has solicited the support of the international community. As such, offers by international humanitarian organizations and other actors to provide services in support of the internally displaced largely have been considered in good faith, as Guiding Principle 25 stipulates.

53. A corollary of this principle is that all authorities concerned shall allow and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of assistance rapid and unimpeded access to the internally displaced. In this connection, it should be noted that the authorities have denied the United Nations and other international humanitarian organizations access to Nagorno-Karabakh and the surrounding occupied territories since 1992. The government representatives with whom the Representative raised this issue replied that to allow international access to these areas, if only for a needs assessment mission, would risk conferring international legitimacy upon the occupied territories and, as such, contravene Security Council resolutions affirming the territorial integrity of Azerbaijan. This approach towards humanitarian access in territories outside government control presents a stark contrast to that found by the Representative to be demonstrated by the Government of Sri Lanka during his mission to that country (see E/CN.4/1994/44/Add.1). It should be recalled

that within the occupied territories, there are internally displaced persons, mostly of Armenian ethnicity, from elsewhere in Azerbaijan, as well as ethnic Armenian residents of the enclave who were displaced in the early phases of the war and have since returned. While some international organizations not falling under the United Nations umbrella have managed to circumvent the Government's decision by gaining access to the occupied territories through Armenia, in the absence of full international access to these areas, there is no clear picture of the nature and extent of humanitarian and reconstruction needs. The Minister for Foreign Affairs, while acknowledging the necessity of needs assessment in the occupied territories, expressed the view that it should be undertaken only after peace is achieved. Even then, he suggested, some 8 to 12 months would be required to meet what were mentioned as other prerequisites of a needs assessment mission, namely the deployment of the peacekeeping force authorized by OSCE and the achievement of measurable progress on the implementation of a peace agreement. The issue of needs assessment in the occupied territories remains central to the search for solutions to the problem of internal displacement in Azerbaijan.

54. Throughout the rest of Azerbaijan, international organizations seem to have been able to operate, as Guiding Principle 26 requires, in an environment where they are respected and protected, and are not the object of attack or other acts of violence.

55. However, international humanitarian organizations attempting to address the needs of the internally displaced have faced other operational constraints. Specifically, the legal and administrative environment in which NGOs are required to operate impedes their effective functioning and the fulfilment of their full potential. NGOs are subject to a mandatory registration process, which is cumbersome and lacks transparency, and to a high level of taxation. Creating an operating environment more supportive of the work of NGOs in Azerbaijan is important not only for the work of the NGOs themselves, but also for international agencies which rely on NGOs as implementing partners. As part of the follow-up process to the CIS Migration Conference, UNHCR (in cooperation with the Open Society Institute and the Washington-based International Centre for Not for Profit Law) has been assisting the Government in drafting a new law regarding NGO activity in order to conform with commonly accepted principles and practices elsewhere in the world. The law is expected to delineate the types of associations and foundations eligible for classification as charitable, set out the procedures for registration and regulation of charitable activities, and define the responsibilities of the Government towards NGOs. The Government is strongly encouraged to ensure speedy promulgation and effective implementation of such legislation. Doing so should greatly facilitate and foster NGO activity which, in turn, can assist the Government in addressing the needs of the displaced.

56. Until recently, donor policies, in particular that of the United States, also negatively affected national and international efforts to respond to the humanitarian needs of the internally displaced. Specifically, section 907 of the Freedom Support Act of 1992 prohibited all forms of government-to-government assistance, including humanitarian aid. The ban had a particularly deleterious effect on health care, which is state run, though other areas of activity also faced problems as a result of the restrictions. 22/ In addition

to limiting the scope of activity of USAID-funded international NGOs, section 907 also impeded efforts to strengthen the capacity of the Government of Azerbaijan to assume a greater role in addressing humanitarian needs itself, thereby contributing to the current problems. 23/ It must be noted that recent amendments to section 907 remove the restrictions on the provision of humanitarian aid to the Government and provide for programmes in the areas of democracy building and economic reform. The Representative was informed that as a result of these welcome changes, the United States now has become the largest donor of humanitarian assistance and is increasing its contributions in this area. This development is particularly noteworthy given the current tendency of other members of the donor community to reduce funding for basic humanitarian assistance in favour of reintegration and development projects.

57. Several years after the initial "emergency" phase of the displacement crisis, the priorities of donors and, by extension, international agencies and NGOs, demonstrate a discernible shift from basic humanitarian relief towards development, reconstruction and reintegration projects. A clear sign of this trend is the withdrawal or scaling down of emergency-type relief assistance and activities by a number of international agencies and NGOs due to funding constraints. However, conditions on the ground, as detailed in the following section, suggest that a complete shift in approach is premature.

III. CURRENT CONDITIONS OF THE DISPLACED

58. Internally displaced persons require and are entitled to protection and assistance. In Azerbaijan, unlike in many other situations, the sense of solidarity that exists between the internally displaced and the authorities means that the displaced are not viewed as the "enemy" and targeted for attack by the authorities. Threats to the life and physical security of the displaced, of the type protected against in Guiding Principles 10 to 13, are not apparent.

59. Protection, however, extends beyond safeguarding physical security to encompass the broad range of economic, social, cultural, civil and political rights provided for under international human rights law. For instance, the rights to food, shelter, health care, education and employment also fall within the meaning of protection. In Azerbaijan, government officials, both national and local, with whom the Representative met, echoed this view and acknowledged that significant needs remain in these various areas.

60. Guiding Principle 18 relating to the right to an adequate standard of living provides that at a minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to: essential food and potable water; basic shelter and housing; appropriate clothing; and essential medical services and sanitation. It was clear to the Representative during his mission that there remain outstanding needs in these various areas, as well as in education and income-generation, the main findings on which follow.

Essential food and potable water

61. Food assistance, two 1996 surveys found, is the most important need for the majority of internally displaced persons. 24/ This is especially the case in rural areas, where limited opportunities for income generation create higher levels of dependency. The World Food Programme (WFP) defines a household as "food secure" when "it has access, at all times, through home production or purchasing power, to food, in adequate quantity, safety and acceptability, needed to provide a healthy life for all its members. 25/ Several years after being displaced, many internally displaced households continue to lack food security. A survey conducted by World Vision International in the spring of 1998 indicated that the problem is most acute in Barda, Oguz and Ujar districts. 26/ In outlying areas, limited economic opportunities partly explain the higher levels of food insecurity. Generally in rural areas, the land to which internally displaced persons have access tends to be of too poor soil quality to enable self-sufficiency, notwithstanding the support provided by several agencies for gardening activities. For instance, internally displaced persons in one camp explained that they could cultivate only onions. The food assistance provided by international agencies is designed to cover 50 per cent of nutritional needs, providing items such as flour, oil and pulses (edible seeds such as peas, beans, lentils, etc.), with the beneficiaries attempting to supplement this with vegetables, meat and by means of the bread subsidy provided by the Government. However, the high rates of malnutrition that have been found to exist, especially among children and the elderly, indicate that the food assistance needs of the internally displaced are not being met adequately. 27/

62. WFP is the principal food assistance provider, covering a current caseload of 200,000, comprising 68 per cent of the internally displaced population receiving food assistance. These figures represent a recent significant increase as a result of WFP having assumed responsibility for the 90,000 internally displaced persons affected by the termination of the CARE food distribution programme at the end of 1997. With the anticipated phasing out of food assistance programmes of other agencies, such as the scheduled discontinuation of International Federation of Red Cross and Red Crescent Societies (IFRC) food assistance to 34,000 internally displaced persons in the southern camps by the end of 1998, it is unclear where this responsibility will be shifted. The Government thus far has turned to WFP, yet WFP itself is facing funding constraints which put in jeopardy its ability to meet the food assistance needs of its current caseload in 1999, let alone to expand the number of its beneficiaries.

63. The internally displaced need ongoing assistance to meet their essential food needs. It must be emphasized that this assistance need not consist of mere hand-outs but instead could take the form of "food for work" programmes, at least for the vast majority of the displaced who are able and indeed very willing to work. Food for work programmes are a means not only of meeting the needs of internally displaced persons for food assistance but, as will be highlighted below, of addressing shelter, health and education needs, while providing skills training and meaningful activity.

64. In the design of the food assistance programme, efforts have been made to involve the beneficiaries. WFP provided the example that the input of

beneficiaries had led to a change in the composition of the food assistance package, green peas being replaced with white beans, as was the expressed preference of the beneficiaries. Principle 18 calls for special efforts to be made to ensure the full participation of women in the planning and distribution of basic supplies, including food. As part of the follow-up process to the Beijing World Conference on Women, WFP has set out objectives which include involving more women in the decision-making process and developing more gender sensitive programming. Noteworthy in this latter regard is the WFP policy of distributing food directly to women and the practice of its implementing partner, World Vision International, of ensuring the presence of women staff during food distributions. The responses of international agencies and internally displaced women to the queries of the Representative suggest that the problems of sexual violence or exploitation that often arise in connection with the distribution of relief do not appear to exist in Azerbaijan.

65. On the issue of access by internally displaced persons to potable water, it must be noted that the water supply for the general population is limited and often unreliable. The water supply tends to be better in the cities, though its quality is poor in the dilapidated public buildings where many internally displaced persons in urban areas are accommodated. Projects for the rehabilitation of these buildings include attention to the replacement of water pipes, but for those in buildings not yet benefiting from these projects serious problems relating to water quality remain. Similarly, in rural areas, efforts are being undertaken by humanitarian organizations and the Government to provide potable water, including through the construction of wells or supply of water tanks in camps and settlements. However, the demand is great, leaving many internally displaced persons still in need. The lack of clean water for drinking and other purposes was a common concern raised by the displaced in a number of the camps and settlements visited by the Representative. Existing wells often prove inadequate for a number of reasons. In one camp visited by the Representative, the well was reported to be only two metres deep. In the Lachin Winterland Camp, there are only old artesians wells and the construction of a water pipeline is required to provide the displaced with proper access to water. In the light of these conditions, it would be important for the Government and international agencies jointly to identify the priority areas for improving access to potable water.

Basic shelter and housing

66. Personnel of the Department of Refugees and Displaced Persons noted that shelter is the area of basic need where the difference in the conditions of refugees and the internally displaced is most noticeable. While almost all refugees arriving from Armenia have found permanent accommodation, most of the internally displaced remain, after over five years of displacement, in temporary shelters of the most basic nature, including tents, railway wagons and public buildings.

67. Worst off would seem to be those internally displaced persons who continue to live in tents, which are often damaged. These fail to provide sufficient protection from the harsh winters 28/ and, as was apparent during the Representative's visit in late May, retain stifling heat in the warmer

months. The problem of water seepage through the ground, due to a high water table, was evident in a number of tents and other temporary shelters visited by the Representative.

68. While the public buildings in which an estimated 50 per cent of the total internally displaced population live provide a more permanent structure, this type of shelter is not without serious defects. The reportedly typical public building accommodation visited by the Representative provides cramped living space, with extended families occupying single rooms originally designed to house one student attending higher education or technical institutes. In the public buildings visited in the Xatai district outside Baku, an average of seven to eight people occupy a room of 9 to 12 square metres; in the buildings visited in the Binagady district, an average of five to six people occupy each room. The rooms were bereft of doors, thus raising concerns regarding lack of privacy and security. In the communal kitchens, where an average of 20 families share a single gas cooker, gas poisoning and other safety problems were reported to exist. Throughout the buildings, electrical wires were exposed and over-used, with multiple makeshift connections apparent. The entrance areas and stairwells were dark, even during the daytime visits of the Representative. Moreover, although the Representative visited in the early summer, it was apparent from the frequent lack of window panes and the holes in walls and roofs that the buildings were not winterized and would fail to provide adequate protection against the strong winds characterizing the winter months in Baku and its surroundings. Plumbing problems and water damage were evident and sanitation facilities were clearly inadequate, creating a fertile breeding ground for disease.

69. To address these problems, important efforts are currently being undertaken to improve the shelter conditions of internally displaced persons. The UNHCR Public Building Rehabilitation (PBR) project, implemented in collaboration with several international NGOs, focuses on the following four areas of concern: insulation and winterization, through the repair of leaking roofs and holes in walls, and the installation of window panes and insulation; electrical safety, through the installation of new wiring systems, circuit breakers, a sufficient number of electrical wires and sufficient lighting, as well as the promotion of safety awareness; improvement of water and sanitation systems; and the creation of separate living spaces, through the provision of plywood partitions, doors and locks. The Representative had the opportunity to visit a few buildings rehabilitated by Mercy Corps International as part of the PBR project and the contrast, in terms of improved living conditions, was remarkable. It was also apparent that the internally displaced persons themselves took pride in the refurbished buildings, having organized communal work schedules to ensure their upkeep. Moreover, a positive by-product of the project is the creation of a pool of internally displaced contractors to undertake significant amounts of the rehabilitation work, who thereby not only earn income but also develop skills which will remain in demand as rehabilitation and reconstruction activities continue.

70. The same positive spin-off of employment generation and skills development for internally displaced persons has resulted from the UNHCR-sponsored Limestone Shelter Project, for which contractors are encouraged to employ internally displaced persons. This project, as well as that sponsored by USAID for the construction of mud-brick homes, provides

internally displaced persons in rural areas with simple yet more durable temporary dwellings designed for single families. Needs assessment surveys undertaken by Relief International help to ensure that internally displaced persons living in the worst conditions receive priority. The Representative had the opportunity to see a number of the limestone shelters and mud-brick homes. In several cases, these were grouped in small settlements, often of extended families, including small but thriving gardens maintained with the assistance of UNHCR-supplied seeds and tools.

71. Marked and much-needed improvements in the shelter conditions of internally displaced persons have been made as a result of the public building rehabilitation, limestone shelter and mud-brick construction projects. After having witnessed first-hand the potential for significantly ameliorating the temporary living conditions of internally displaced persons in a cost-effective manner and often with positive side effects in terms of income-generation, skills development and the morale of the displaced, the Representative considers that the dismal shelter conditions in which the large number of internally displaced persons, who have not yet benefited from these programmes remain, are all the more difficult to tolerate. In the light of the poor prospects for imminent return for the large number of internally displaced persons, the temporary shelter conditions must be improved to a minimum level of decency, at the very least. To this end, greater financial support from international donors and, to the extent possible, the Government, is required.

72. In addressing shelter conditions, as with all other needs, it is essential to consult with the intended beneficiaries themselves. Two examples regarding shelter that came to light in the course of the Representative's visit underscore the importance of doing so. The first example concerns the Lachin Winterland camp where, as noted above, semi-nomadic Kurds displaced from the Lachin area found refuge in the subterranean dug-out dwellings of their traditional winter settlement areas. When displacement forced this Kurdish community to remain in these settlements year-round, an international project constructed numerous prefabricated houses for them. However, today these remain largely unoccupied owing to the fact that the intended beneficiaries had no intention of leaving their traditional dug-out dwellings, especially as these had been purposefully built in close proximity to the grazing land for their livestock. Although the dug-out dwellings were not designed as permanent residences and required repair in certain aspects, the preference of the residents to remain in their traditional dwellings near their grazing lands provides a cautionary example of the need not to assume that more sophisticated, not to mention more expensive, structures will necessarily correspond to the needs and preferences of the intended beneficiaries.

73. A second example relates to the situation of the thousands of internally displaced persons who have made makeshift homes in abandoned railway carriages. The shelter that these structures provide is far from adequate in that they, like the tents, lack insulation against the wind and cold and prove stiflingly hot in the summer months. Nonetheless, the residents of one railway carriage settlement visited by the Representative in the Barda region proved unwilling to move out of these conditions when given the option. In this case, the reason concerned less the type of alternative shelter offered

than its location, several kilometres away from the market place adjacent to the railway car settlement where most of its residents make their living. Given the desire of these internally displaced persons to remain in the railway carriages rather than be relocated far from the centres of economic activity, efforts might more usefully be targeted at improving, in whatever ways possible, the shelter in which the displaced currently reside.

74. One suggestion for shelter improvement raised by several government officials and some international NGOs (but, notably, not by any of the displaced with whom the Representative met) was the construction or provision of a partition in the single-room dwellings in which most internally displaced families reside. This measure is considered important in order to conform with cultural norms according to which adolescent girls and unmarried women are to sleep in rooms other than those occupied by their male relatives. Government officials noted that in respect of these cultural traditions even the poorest family would have a two-room dwelling. One family whose railway carriage dwelling the Representative visited had been provided with a partition by OXFAM. Other agencies with whom the Representative raised this request replied that they had not responded on account of limited resources. UNHCR, for one, quite reasonably replied that it would be willing to consider this and other suggestions relating to shelter improvement and to invest more in shelter if the authorities would consider more of the internally displaced as so-called "long-stayers", entitled to something other than shelter that is designed to be strictly temporary until anticipated return.

Appropriate clothing

75. Regarding clothing needs, it must be recalled that the mission took place during the warmer months, making it difficult to determine the extent to which winter clothing needs are met. The lack of adequate heating in tents, other temporary structures and public buildings that have not yet been rehabilitated nonetheless suggests that the need for warm winter clothing would be considerable. The muddy conditions that reportedly are common in rural settlements outside of the summer months suggest the importance of proper footwear. One humanitarian worker recounted that it was not uncommon to see children going barefoot or in stocking feet in the mud and slush characterizing the winter months.

Essential medical services and sanitation

76. Internally displaced persons in Azerbaijan typically have suffered a deterioration in their health since their displacement. A nationwide health and nutrition survey undertaken in 1996 noted elevated rates of chronic malnutrition among children and the elderly, and high levels of anaemia and iodine deficiency. 29/ Scabies, especially among children, and other skin infections, respiratory illnesses, malaria, diarrhoea and vitamin A deficiency are also prevalent health problems, especially in the camps.

77. Displacement has also created problems in the area of mental health. The psychological stress experienced by the displaced is not only war-related, but also stems from the cramped and poor conditions in which many of them live, as well as from feelings of isolation and uncertainty about their future. In this latter regard, the psychological impact on the displaced of

having their hopes for imminent return dashed time and again cannot be underestimated: indeed, a number of international humanitarian staff noted a marked deterioration in the mental health of the displaced since the stalling of the peace process in early 1998. Local NGOs added that the current uncertainty as to whether international humanitarian assistance would continue has placed additional psychological stresses on the displaced. Guiding Principle 19 provides that, when necessary, internally displaced persons shall have access to psychological and social services.

78. Special efforts to address the psychological and all other needs of displaced children are required, as Guiding Principle 4 provides. Important efforts to address the psycho-social needs of internally displaced children in Azerbaijan have been made by a number of international agencies, as well as local NGOs. One notable example is the UNICEF programme by which some 300 internally displaced persons have been trained as social workers to provide early childhood education and psycho-social rehabilitation activities to some 4,000 displaced children. The involvement of WFP means that the social workers participating in this programme receive not only training and meaningful employment but also food assistance for their work, while the children are provided with biscuits as part of the programme.

79. Special attention to the health needs of women, including in the area of reproductive health, and to the prevention of contagious and infectious diseases, such as HIV/AIDS, is also called for in the Guiding Principles. In Azerbaijan, internally displaced men and women request contraceptives, particularly for the purposes of family planning. 30/ At the same time, programmes have been developed to provide health education and services specific to the needs of women in the areas of gynaecological health, safe motherhood and breastfeeding.

80. The international response to the health-care needs of internally displaced persons is also aimed at strengthening national and local capacities. This is an important aim that becomes all the more critical as the trend towards gradually phasing out international involvement in addressing basic relief needs intensifies. Involving local health-care professionals, including the significant number of internally displaced persons who were professionally trained doctors or other health-care professionals prior to displacement, is a cost-effective approach which has the important added benefits of helping to keep displaced medical and health professionals abreast of developments in health-care practices, retaining and developing of their skills, and generating income either in cash or, as part of "food for work" programmes, in kind. In the southern camps managed by IFRC, internally displaced doctors and nurses have been engaged to provide basic medical care for the camp residents. Also noteworthy in this regard is the programme of training of health education trainers, sponsored by the International Rescue Committee, through which reproductive health and general health information is disseminated in weekly education sessions of women's groups formed in more than 40 settlements of internally displaced persons. 31/ UNHCR, as part of its reproductive health and family planning programme, has taken the approach of pairing each of its implementing partners with a local NGO, with a view to contributing to strengthening of the latter's operational capacity.

81. In addition to training and expertise, local health-care capacities may require strengthening through support for infrastructure and the provision of supplies. In the Lachin Winterland camp in Agjabedi district, the construction by the local authorities of a medical clinic to serve the needs of the several thousand internally displaced persons in this settlement remains incomplete: the building, which the Representative did not himself see, reportedly consists of only a basic frame with a roof, but no walls. The Representative, recalling the public building rehabilitation programme of the International Rescue Committee, raised this problem with the representative of the Committee who accompanied him on his tour of the camp and was pleased to learn that completing the clinic building could very conceivably fall within the parameters of the programme. This information was communicated to the local authorities present, who welcomed the idea, and it is to be hoped that this conversation has since been translated into concrete results. In the town of Horadiz in Fizuli district where return has begun to take place (see below, sect. IV), the Representative toured the community hospital, which had been reconstructed and rehabilitated but, as the director of the hospital underscored, lacked sufficient medical equipment, beds and other supplies. UNDP informed him that it had earlier compiled a list of needed equipment and provided it to donors, who had responded by providing some essential drugs and medicines. However, there clearly remained a need for basic equipment.

82. While it is evident that there is a continued need for the international community to support the strengthening of national and local capacities in terms of health-care expertise, infrastructure and supplies, it is also incumbent upon the national and local authorities to do their part to ensure that what is in principle free access to State-sponsored medical services actually exists in practice. A number of internally displaced persons reported experiencing the problem of being unable to obtain medical services without payment. Although this practice is not officially sanctioned, and indeed is safeguarded against in national legislation (see sect. II above), the national and local authorities arguably could do more to curb its occurrence. Guiding Principle 19 provides that all wounded and sick internally displaced persons, as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones.

83. Problems of access to medical services also may arise in terms of physical accessibility, especially in areas far removed from urban centres. Mobile health units have been organized to visit internally displaced communities but, as the Deputy Minister of Health noted, they are unable to reach all those in need. The frequency of visits varies, with some communities having been found to go unaddressed entirely. 12/ Even in urban areas, physical access to medical services may be difficult. Internally displaced women in one of the public buildings visited by the Representative in the Xatai district on the outskirts of Baku pointed to the need to establish a regular health clinic to service the most basic health-care needs of the residents of the grouping of public buildings. At the very minimum, they required the installation of a communal telephone line reserved for contacting emergency medical services when necessary. The latter suggestion, seemingly so minor in terms of cost and maintenance, could actually have major benefits in meeting the emergency health needs of the displaced. Government

officials to whom the Representative communicated this request responded positively and agreed to take appropriate action. Throughout the country, regular, monthly visits by a mobile health team to all internally displaced communities should occur as a matter of course.

84. Poor sanitation servicing is one of the main factors contributing to the health problems of internally displaced persons. While the sanitation infrastructure is weak in many parts of the country, it is particularly poorly developed or maintained in internally displaced persons' shelters and settlements owing to overcrowding and their perceived "temporary" nature. After years of displacement, many internally displaced persons continue to lack adequate bathing facilities. In a camp in the Barda region that has been administered by the local authorities since the withdrawal of the Turkish Red Crescent which established it, each of the more than 6,000 camp residents is entitled to a 15-minute shower once a week in the communal bath-house, according to established schedules. However, camp residents informed the Representative that water was often not available during their designated time. When sufficient water supply is available, the problem of water drainage arises, as was clearly evident in the men's section of the bath-house at the time of the Representative's visit. Moreover, it was at this same camp that the well is only 2 metres deep and where scabies and diarrhoea were reported to be common.

85. In another government-run camp, in the Agjabedi region, similar problems of water supply were mentioned. Moreover, inadequate garbage collection was evident: a patch of land in the middle of several dwellings was strewn with refuse. In addition to creating unsanitary conditions for the camp population as a whole, this situation posed other problems. One woman explained that her family remained without its own shelter as the land allocated to her was in the affected area. Internally displaced persons reported that although the camp authorities had made arrangements for regular garbage collection, in practice it occurred infrequently and there had been little effort to address the specific problem of the makeshift dump.

86. To be sure, visible efforts have been made to address the problems of sanitation elsewhere. Improvement of water and sanitation systems is a key component of the UNHCR Public Building Rehabilitation Programme. Toilets had been provided to internally displaced persons at the railway carriage settlement in Barda. In the southern camps overseen by IFRC, a water and sanitation programme provided camp residents with approximately 20 litres of potable water a day, additional water for weekly hot showers and, for every 20 inhabitants, a latrine which is cleaned daily and pumped out monthly. With a view to building local capacity, the programme aims to mobilize and prepare camp residents and local authorities to manage water and sanitation services themselves. Yet, the problems, evident in the government camps visited by the Representative suggest that the authorities may not yet possess sufficient capacity and, perhaps, the will to discharge effectively their responsibilities in these areas.

Education

87. Guiding Principle 23, reaffirming the right of every human being to education, calls upon the authorities concerned to ensure that the internally

displaced receive education which is free and compulsory at the primary level. It will be recalled, from section II, that national legislation relating to internally displaced persons contains provisions for the education of children and adolescents, without discrimination.

88. The high value that Azerbaijani society places on education was evident among the internally displaced whom the Representative met. At a camp in Barda district, the internally displaced teachers with whom the Representative discussed educational issues in some detail proudly reported the maintenance of high educational standards within the school system established in the camp. As an illustration of this point, they cited the fact that the students from the camp who had gone on to university had found themselves to be comparatively very well prepared. The camp school had recently won an award at a music competition for the Barda district, which was an accolade in which the entire camp population, many of whom originated from the Agdam district, famous for its music and art, took great pride. In the Binagady district outside Baku, the Representative received a warm reception from a choir of schoolchildren, as was the case at a government-run camp in the Agjabedi region where young people performed an impressive poetry recital in celebration of the country's national holiday.

89. These achievements in the area of education are particularly remarkable given the difficult circumstances under which the schools for the internally displaced often operate. The teachers consulted at the Barda camp indicated first and foremost the need to replenish the supply of school materials, including desks, chairs, blackboards and notebooks. They suggested that there exist significant contrasts in this regard between camps, citing the example of two camps nearby where the schools serviced by the International Islamic Relief Organization are supplied with textbooks, uniforms and medical services. Regarding the buildings themselves, problems of overcrowding and lack of heat during the winter months were reported, as was the lack of resources on the part of the local authorities to address them. In a country so rich in oil and energy resources, the lack of fuel to heat schools is a disparity that is even harder to accept. In other cases, even the physical structure of education facilities is inadequate, such as in the Lachin Winterland camp where the school building is incomplete. As with the unfinished medical clinic at the camp, the authorities and displaced alike stressed that support simply to ensure completion of the construction of the school building would be of considerable assistance.

90. The impact of internal displacement on education extends beyond the displaced themselves to affect also segments of the population at large. The accommodation of the displaced in the student dormitories of universities or technical schools and in schools has resulted in disruptions and difficulties in the education of the non-displaced, creating a certain resentment on the part of host populations. 13/ While these disruptions may have been tolerable on a short-term basis, after more than five years there is a need, not only for the well-being of the displaced but also for the educational system as a whole, to provide alternative arrangements for shelter.

91. In the education of the internally displaced, issues of integration with the host populations also arise. In the Xatai district, for instance, the local authorities stated that internally displaced children were educated in

schools separate from the host population. It was suggested that doing so facilitated the children's adaptation to their displacement by educating them with other children in a similar situation. However, in a situation of displacement lasting several years, it also segregates them from the local population, and thereby impedes the process of integration, which is particularly important as alternative solutions to return are increasingly required.

92. In a noteworthy educational project that takes a holistic approach in addressing the needs of the internally displaced and host populations alike, the Norwegian Refugee Council (NRC) is developing a nationwide human rights education programme which will provide training and course material on human rights standards to all schools. The suggestion was made that the Guiding Principles could be incorporated in this programme, as a means of educating internally displaced children on how human rights standards address their particular needs, while at the same time sensitizing host communities to internally displaced persons' particular needs but common rights.

Employment and income-generation

93. Guiding Principle 22 provides that internally displaced persons, whether or not living in camps, shall enjoy inter alia the right to seek freely opportunities for employment and to participate in economic activities. According to the most recent government figures, two thirds of the over 300,000 internally displaced persons in a position to work are unemployed. 14/ The majority of those having jobs are employed in the public sector, mainly as teachers and health-care professionals, with about a third employed in the private sector. 15/ Outside of regular employment, seasonal agricultural work, occasional construction work or temporary menial work in the public sector provides a source of income for others. However, payment, especially for agricultural work on State farms or bigger privately owned plantations, was reported by internally displaced persons as being irregular and delayed. Moreover, the opportunities for agricultural work are often limited: in Barda region, only 5,000 out of the 80,000 internally displaced persons in the region have work. The local authorities explained that although many of the displaced have an agricultural background, they lack skills in cotton and silk cultivation, which are the main agricultural activities in the region. For the internally displaced persons living in the railway wagon settlement in Barda town, the 60,000 manat (approximately $17) average monthly earnings in the market are sufficient not to accept offers of better shelter elsewhere. Also as noted earlier, an unknown number of internally displaced men have migrated temporarily to the capital or further afield to Russia in search of income to support their families, finding economic opportunities mostly in informal trading activities from which the amount of income generated varies. One woman in a camp told of her young son's experience in Baku where he had been trading in the markets since 1996 but had as yet not been able to send any money home to his family owing to corruption: any income earned, aside from that spent for his basic upkeep, was needed to pay officials in order to be able to continue to operate.

94. The limited opportunities for employment and other means of income-generation available to the displaced contrasts starkly with their willingness to work. A strong desire for work was a common wish expressed by

internally displaced persons, men and women alike, both in the Baku area and in the regions. For example, a group of women with whom the Representative met in the Xatai district outside of Baku indicated that, aside from the ultimate goal of return, their main concern was to have opportunities for work. They emphasized that they would be willing to do anything, including working with their hands or doing menial tasks, notwithstanding the fact that several of them said they had diplomas and university education. They also expressed a keen interest in being trained in new skills. Guiding Principle 23 provides that education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

95. In a welcome trend, international agencies and NGOs reported that in recent years, the Government has become more receptive to income-generating projects for the displaced, in contrast to its previous strong reluctance to allow such efforts for fear that they would interfere with the overriding goal of the return of the displaced. Programmes currently undertaken by international agencies and NGOs support micro-enterprise development in a number of ways: vocational and business training; small business grants or loans to individuals for the purchase of needed equipment and materials such as sewing machines, cloth, hand-knitting materials and yarn, knitting machines, shoe repair materials, car mechanics' tools, hairdresser and barber kits, and carpentry, masonry, welding and plumbing kits; loans to groups of internally displaced persons organizing small business cooperatives, such as in leather tanning, car repair, metal fabrication and carpentry, bakeries and wheat mills; and the establishment and support of women's co-operatives. The Government also sponsors some income-generating activities of its own: for example, a sewing project for women whose handiwork the Government purchases for distribution to the "martyrs' families" (a number of which are internally displaced persons) who have lost a family member in the conflict and receive special assistance packages. Local NGOs, their international counterparts noted, could also play an important role in sponsoring micro-credit programmes, but are constrained from doing so by national legislation requiring that an institution must have the equivalent of 5 million dollars in order to engage in lending activity. To enhance the access of the internally displaced to credit, the Government is encouraged to create a more conducive environment for the micro-credit programmes of NGOs.

96. More difficult to overcome are the structural constraints limiting employment and income-generating opportunities not only for the displaced but also the population at large. As the country continues to undergo a difficult period of transition from a centrally-planned to a market economy, problems of unemployment and low productivity remain acute, with those factories that are still open often operating at only a fraction of their capacity. In rural areas, opportunities for economic activity are also limited. IFRC, for instance, noted that by the winter of 1998 it will have exhausted all possibilities for income-generation for the displaced in the southern camps it services. The isolation of many of these and other camps and settlements from urban areas makes income-generating opportunities particularly difficult.

97. Another serious structural problem arises in the area of land reform. The land privatization process currently under way only aggravates the situation of many of the internally displaced settled in rural areas. While

the pace of land privatization differs throughout the country, a common concern on the part of the local authorities is that the presence of internally displaced populations greatly interferes with this process since their settlements are established on land that is to be privatized. On average, privatization is to provide one hectare of land per person. However, for the most part, the internally displaced are left out of this process, on the assumption that they will be entitled to land in their areas of origin upon return. In one area, the local authorities expressly stated that they were reluctant to give the internally displaced arable land for fear they would settle there permanently, owing to their traditional attachment to land as a means of livelihood. Yet, as the Representative suggested, it is precisely because of the attachment of these displaced persons to land that providing them with meaningful opportunities for cultivation is essential. The land to which internally displaced persons are granted temporary access tends to be that of the poorest quality, thereby limiting their ability to be self-sufficient and to generate income through agricultural activity. It is essential that the process of land privatization takes into account the short- and long-term needs of the internally displaced and neither exclude nor negatively affect them in any other way. Assistance in the form of agricultural machinery and fertilizer also could help improve agricultural yields and thus income opportunities for the displaced, while contributing to the development of the national agricultural sector which, like the industrial sector, is failing to realize its full potential.

IV. TOWARDS DURABLE SOLUTIONS

98. Return undeniably is the solution preferred by the majority of the internally displaced, as well as their Government. Time and again, internally displaced persons, in urban and rural areas alike, told the Representative that they wished, above all, to return home. At the same time, those expressing this desire acknowledged that a precondition for their return is a durable peace. It is thus perhaps not surprising that the internally displaced so closely follow the peace process, as demonstrated by their citation of specific initiatives undertaken by OSCE towards the resolution of the conflict and their knowledge of the relevant United Nations Security Council resolutions on the matter. In this connection, on numerous occasions during the mission government officials and internally displaced persons alike referred to the lack of attention to the conflict by the Security Council in recent years, interpreting this as a signal of abandonment by the United Nations of concern for their plight. While the United Nations long has supported the lead taken by the OSCE Minsk Group in the conflict negotiation process, the ongoing stalemate has led to suggestions for the United Nations to play a more direct role in the peace process. In fact, for some time now, the United Nations has advocated that humanitarian concerns be integrated into the peace process. With mass displacement being such a defining element of the conflict, equitable solutions for the great number of refugees and displaced persons in Armenia and Azerbaijan will be essential if peace, whenever it comes, is to endure.

99. For the moment, it remains difficult to predict when peace will provide the possibility for large-scale return. To be sure, even in the absence of peace, some return is occurring in formerly occupied areas and otherwise war-damaged regions in the districts of Fizuli, Terter and Agdam that have

come back under government control. Return as a potential solution thus currently divides the internally displaced population into two groups: those from the formerly occupied or war-damaged areas where the possibility for return now exists; and, making up the majority of the displaced, those originating from territory that remains outside government control and for whom the prospects for return are less certain. For both of these groups, it is the primary duty and responsibility of the competent authorities, as reflected in Guiding Principle 28, to provide the means which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country, and to facilitate the reintegration of both groups.

A. Supporting present possibilities for return

100. In the case of those from areas at present under government control, return has begun but its pace is slowed by problems of damage and security risks resulting from the conflict. A damage assessment of what are referred to as the "war-liberated" and "war-damaged" areas that was conducted in 1997 by the Azerbaijan Rehabilitation and Reconstruction Agency (ARRA), found extensive damage in a number of sectors: shelter and personal property; infrastructure in the areas of education, public health, social and cultural structures, electricity, gas and water supply, irrigation systems, transport and communication; industry; agriculture and agricultural industry; and the presence of a large number of landmines. More than 37 per cent of housing, 25 per cent of agricultural land and 8 to 10 per cent of education, agricultural industry and energy infrastructure requires reconstruction or rehabilitation. In the districts of Gazakh, Agdam and Fizuli, the damage exceeds 50 per cent. 16/

101. Given the scale of the damage, creating conditions conducive to return is a challenge that, even in these limited areas, exceeds the capacity of the Government. In what could well prove to be an exemplary effort to meet the challenges of post-conflict reconstruction and resettlement in war-torn areas, international humanitarian and development agencies, and financial institutions have forged partnerships amongst themselves and with the Government with the common aim of assisting the Government in creating possibilities for return as a durable solution. In April 1998, these partnerships became more formalized with the establishment of an International Advisory Group (IAG) to assist the Government in implementing a comprehensive multi-year $123 million "Programme for the reconstruction and resettlement of the liberated areas". The programme is intended to facilitate the sustainable return of some 36,000 persons to their home areas through physical and social infrastructure projects and income-generating schemes for those returning, and for the several thousand who have already returned, as well as for the estimated 250,000 persons who have remained in areas damaged by the conflict.

102. The reconstruction or rehabilitation of shelter is a prerequisite for return and, as such, a key component of the programme. UNHCR, at the request of the Government, is taking the lead role in this area, having launched a $12 million two-year "Programme for shelter rehabilitation for displaced populations returning to war damaged areas" in the spring of 1998. Under the first phase of the programme it is planned to provide minimum locally acceptable housing to some 2,000 households in Terter, Fizuli and Agdam

districts. Working in cooperation with ARRA, the level of assistance provided to beneficiaries will depend upon the degree of damage to their homes: (i) those whose homes were completely destroyed will receive a new standard shelter; (ii) those whose homes were heavily damaged will be supplied with construction materials, technical advice and guidance, but are encouraged to undertake their own repairs, while community-based work groups will be formed to assist the most vulnerable families with construction work; (iii) those with lightly damaged houses will be provided with the necessary construction materials to weatherproof their homes. In the latter connection, it is noteworthy that the programme uses local materials as much as possible, with the exception of asbestos, which is avoided on account of environmental concerns.

103. In Yukhuri Kurdmahmudlu village in Fizuli district the Representative visited a settlement of returnees who had benefited from this programme with the construction of new homes to replace theirs, which had been completely destroyed. Although the limestone shelters resembled those viewed elsewhere in the country, these homes were designed to be of a permanent nature and thus were of higher quality, with thicker walls and floors for instance. Aside from the structures themselves, the small settlement showed other signs of permanence, with thriving rose gardens and an orchard. The residents of the settlement with whom the Representative met were visibly pleased with and proud of their new homes and stated that they were very happy to have returned.

104. However, to be sustainable, return requires the restoration not only of the homes of the displaced but also of the physical infrastructure and economic opportunities in areas of return. The programme for reconstruction and rehabilitation combines efforts to meet both of these ends by involving the displaced in reconstruction and rehabilitation activities, as well as by creating longer-term opportunities for their self-reliance. At a pilot project of the programme in the town of Horadiz in Fuzuli district, the Representative visited the reconstructed hospital, school and railway station undertaken by ARRA with the support of UNDP. The community bath-house and post-office had also been restored and plans were under way for the rebuilding of the community centre, library, pharmacy, town roads and street lighting. Meanwhile, the Technical Assistance in the CIS (TACIS) programme of the European Union concentrates on large infrastructure projects, including the railway, power and water supply and irrigation systems. TACIS is also supporting the rehabilitation of the agricultural sector and of agri-business through the distribution of grain, fertilizers and machinery to return to operation over 100 farms employing a total of 2,000 persons. The planned expansion of the project is expected ultimately to provide employment to some 10,000 persons.

105. As with the shelter component of the programme, beneficiary involvement is a central characteristic of the efforts to rebuild the physical infrastructure of areas of return. More than 6,000 persons, most of whom are residents of the Fizuli district, are involved in the reconstruction of the town of Horadiz and other villages in the region, 17/ thereby providing returnees with income, as well as opportunities for skills development. The emphasis on beneficiary involvement in the programme accords well with Guiding

Principle 28 calling for special efforts to be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

106. Between July 1996 and June 1998 the population of Horadiz doubled in size to 2,857 and continues to steadily rise, with an average of five to six families a week applying to the local authorities indicating their desire to return. 38/ Some families are returning to the area in advance of the reconstruction of their homes. The Representative visited one woman, for instance, who had moved with her family from a tent camp to live in a railway carriage in Horadiz in order to be one step closer to returning home.

107. While many of the internally displaced appear anxious to return, an essential prerequisite to ensuring that they do so in safety is the removal of landmines from areas of return. The mine-awareness activities undertaken by ICRC are invaluable in this respect. The actual extent of mine contamination is not known, as detailed records of minefields were not made. To begin to address this problem, in 1998 UNDP commissioned a mine survey in Fizuli region, selected as the priority area to be surveyed on account of the reconstruction programme under way there. Further funding is required to extend the survey to other areas of Azerbaijan where return is currently taking place or might be anticipated in the future. There is also a need to establish a national institutional body to manage mine action. Important steps towards this end have begun to be taken by the Government, with a draft decree for the establishment of the Azerbaijan National Agency for Demining (ANAD) and the purchase by ARRA of basic mine-clearance equipment. However, there remains a lack of national capacity and a need for training local personnel in humanitarian mine clearance, a skill that, in the event of large-scale return, will be very much in demand.

108. Finally, in addition to assisting those internally displaced persons currently able to return, the programme for return now under way is also intended to facilitate contingency planning for large-scale return, whenever it occurs. This aspect of the programme assumed great importance in the autumn of 1997 when the prospects for peace and large-scale return appeared to be particularly propitious. However, with the slowing in the momentum of the peace process in early 1998, large-scale return is no longer as imminent and, as a result, there is a need for alternative or at least interim solutions.

B. Promoting preparedness for return or resettlement and reintegration

109. For the large number of internally displaced persons originating from the 20 per cent of Azerbaijani territory still under occupation, where return is not possible at present, alternative solutions must be sought. The Government, however, has been reluctant to allow their reintegration, for fear that this will undermine the goal of return and even the prospects of a political settlement, on which this goal depends. In this regard, the concentration of the internally displaced in camps, settlements and public buildings seems to serve as a means of leverage in the conflict negotiations, providing tangible evidence of the impact of the war on Azerbaijan and the pressing need to regain the territories lost. It seems that from the Government's perspective, the resettlement and reintegration of the internally

displaced would appear as a serious concession in the political negotiations as it would remove the humanitarian imperative for regaining control of the occupied territories in order to allow return.

110. In accordance with Guiding Principle 28, the authorities are expected to facilitate the reintegration of returned or resettled internally displaced persons. While doing so appears to the authorities to be an anathema because of the overriding goal of return, some progress in the search for alternative solutions has been made recently. Most notably, the Government has conceded to the concept of "long-stayers", that is, that there are among the internally displaced some who are unlikely to return even if peace did materialize and who should thus receive more than strictly temporary shelter and assistance. Agencies also reported that the Government's reluctance to allow or sponsor income-generation activities has relaxed somewhat.

111. For the majority of the internally displaced, however, return remains the overriding aim of the Government and of the displaced themselves. While return would indeed appear to be the preferred solution for the majority of the displaced, it remains difficult to predict when peace will come and make large-scale return possible. Thus there appears to arise a dilemma between, on the one hand, hoping for a peaceful resolution to the conflict and the possibilities it would present for return and, on the other hand, addressing the present needs of the displaced for a decent and dignified life in a way that does not undermine these goals.

112. Over the course of the mission, the Representative developed the notion that this dilemma might most effectively be managed by continuing to pursue peace and the preferred solution of return while undertaking efforts to strengthen the capacities of the displaced for self-reliance with a view to preparing them for the possibility of return. Cast in this light, the provision of skills training and income-generation opportunities for the displaced can be seen as being a contribution, rather than a concession, to the goal of eventual return. Moreover, whether it be in the agricultural or industrial sectors or in the area of entrepreneurship, the internally displaced represent a significant pool of underutilized skilled and educated labour which, if channelled into appropriate areas of activity, could help contribute to the economic growth of the country as a whole. Along this line of thinking, the Minister of Social Security, in a very fruitful and frank exchange of views with the Representative, spoke of the high intellectual potential of the displaced and the considerable amount of current foreign investment in the country, suggesting that these two elements combined could be capitalized upon through skills-training and job creation in the field of the latest technology.

113. Doing so would appear to be very much in line with the view of the donor community which, in a meeting with the Representative, expressed keen interest in supporting projects for national capacity-building and the promotion of self-reliance among the displaced but, at the same time, frustration with the lack of government support for these goals. The meeting of the Representative with the Minister of Social Security and, subsequently, with the Prime Minister and later the President, with whom the same issue was discussed, strongly suggest a closer convergence of views. Accordingly, it would appear timely to convene a meeting between government officials and

representatives of the international community for the purpose of devising a common strategy for addressing not only the present, and very pressing, needs of the internally displaced for continued humanitarian assistance, but also their own expressed desire to become more self-reliant through increased access to opportunities for employment and other means of income-generation. The Representative, since his return from Azerbaijan, has shared this recommendation with the Secretary-General, the Emergency Relief Coordinator and the heads of several international agencies to solicit their support. Through the present report, he aims to share this suggestion with the international donor community at large, while recalling to the Government of Azerbaijan the constructive dialogue held on this issue in the hope that the recommended meeting will indeed occur. The Representative himself stands ready to assist this process in any way possible.

V. CONCLUSIONS AND RECOMMENDATIONS

114. The situation of internal displacement in Azerbaijan shares with other situations that the Representative has studied first-hand a common cause: that of armed conflict. The external dimension to the conflict in Azerbaijan, however, creates a unique set of circumstances in which there is solidarity between the authorities and the displaced; the Government recognizes its responsibilities to address the plight of the displaced and thus does not view them as the "enemy" or threaten their physical security on this basis. However, the situation also underscores the fact that protection for the internally displaced extends beyond safeguards against physical attack to encompass also the enjoyment of economic and social rights which, at a minimum, entails basic assistance in the areas of food and water, shelter, clothing, medical services and sanitation, and entitlement to education and economic opportunities. It is in these areas, which are no less deserving of international attention, that many of the internally displaced of Azerbaijan have outstanding needs.

115. Donors and international agencies and NGOs share the view that the Government must assume greater responsibilities for addressing the needs of its internally displaced population. However, there is also recognition of the need to strengthen the capacity of the Government to do so incrementally, in accordance with its ability.

116. The frustration expressed by donors and international agencies and NGOs with regard to the growing sense of dependency of the displaced and the Government on international assistance is echoed by the displaced themselves, who indicated their willingness and strong desire to work in order to provide for themselves. It is worth noting that the internally displaced, in view of their large number, represent a potentially significant political force in Azerbaijan. The risk of the radicalization of the internally displaced population, should their needs in the areas of legal protection, basic humanitarian assistance and reintegration continue to be inadequately addressed, must not be underestimated.

117. Owing to the present state of the economy, the self-reliance of the internally displaced will take some time to cultivate and, in the light of this fact, the need for humanitarian assistance to meet basic needs will remain for some time to come. These two considerations, however, need not be

mutually exclusive but, rather, could be addressed in a complementary manner. To stave off the risk of chronic dependency, while at the same time providing meaningful activity and skills development for the displaced, "food for work" programmes, of which an example in the area of health care was provided above, could be expanded to cover other areas of activity and smooth the transition from dependency to development.

118. In short, the status quo of the situation of internal displacement in Azerbaijan is simply no longer tenable. After at least five years of displacement and dependency on emergency-type relief, the displaced deserve and, increasingly, are demanding more durable solutions to their plight. While return is now a possibility for some, the vast majority remain in a sort of economic, legal and social limbo between the eventual goal of return and the need, in the interim, for a decent and dignified way of living. The conditions of deprivation in which many of the internally displaced continue to be forced to exist and the increasing frustration of donors and the displaced at the sense of dependency created by the continuation of an emergency-style approach require that the Government urgently address the current situation, specifically the pressing needs of the displaced in the areas of food, shelter, health and income-generation. At the same time, the enthusiasm of the Government and of the international community for the return and reconstruction project currently under way for those among the displaced originating from areas returned to government control must be tempered by the desperate conditions of the large number of internally displaced persons not yet able to return. An alternative solution, that is resettlement, must therefore be explored. The authorities' responsibility relating to the creation of conditions for durable solutions, is not limited to the return of the displaced but also includes the possibility of voluntary resettlement in other parts of the country.

119. To address the needs of both groups, the following recommendations are made:

(a) There is a need to find a lasting and peaceful solution to the conflict. While the maintenance of the ceasefire for several years now is significant, it is only through a lasting settlement of the conflict that durable solutions can be found for the hundreds of thousands of persons, in Azerbaijan and Armenia, uprooted by the conflict. The prospects for a peaceful resolution of the conflict and for durable solutions for the displaced rest in the hands not only of the Government of Azerbaijan and the authorities of Nagorno-Karabakh, but also depend upon the position taken by Armenia and other powers in the region. Intensified efforts to settle the conflict are urgently required;

(b) In the interim, the tragic plight of the internally displaced must be addressed in a comprehensive and effective manner, with particular attention being paid to ensuring that their most basic needs for food, shelter, clothing and medical services are met. Serious gaps in these areas remain, as the substandard living conditions of many in weather-worn tents, railway carriages and overcrowded public buildings most starkly make evident. Serious problems of malnutrition, other health problems, and problems of sanitation also exist;

(c) A full shift in the approach of the international donor community from relief assistance towards development is premature. To be sure, projects addressing longer-term development needs should be pursued, but in parallel with the continued provision of basic humanitarian relief to those in need and especially to the most vulnerable groups among them, such as the elderly, the disabled and women heads of household, who are likely to continue to need humanitarian assistance regardless of the pace of development. To smooth the transition from dependency to self-reliance, food-for-work programmes, which could usefully be expanded, merit the support of the Government;

(d) Educational services and, especially, economic opportunities for the internally displaced need to be improved. Skills-training programmes, meaningful income-generating activities and opportunities for micro-credit need to be expanded among displaced communities, with the full participation of women;

(e) While resource constraints at present may limit the Government's ability to meet the material needs of the displaced, there are several initiatives involving little or no financial implications which the Government could undertake to improve its response. These include: improving coordination among and between national and local authorities addressing the needs of the internally displaced; reforming legislation governing NGO activity, especially in relation to taxation and their lending activities, in order to create an environment more supportive of NGO work; safeguarding the right to freedom of movement and choice of residence by ensuring the removal of remnants of the propiska system; and ensuring that internally displaced persons are not discriminated against or otherwise negatively affected by the process of land privatization currently under way;

(f) In the light of the stalled momentum in the peace negotiations and, as a result, the dimming of prospects for imminent return, there is a need for a new needs assessment among the hundreds of thousands of internally displaced at present unable to return. As repeatedly noted above, the Representative found that basic needs in the areas of food and potable water, shelter, and medical and sanitation services are not being adequately met. These basic needs must be addressed, through joint efforts of the Government and the international community, with the utmost haste;

(g) For the effective carrying out of all of the above recommendations, there is a need for a meeting to be convened among representatives of the Government, international agencies, NGOs and the donor community at which they would jointly formulate a strategy, develop specific programmes and establish a clear division of labour among themselves in order to address these needs of the internally displaced effectively in the short-, medium- and long-term. Building upon the support for this suggestion expressed during the mission by all parties, and in the light of the pressing needs of the displaced, this meeting should be held without further delay;

(h) Needs assessment in the occupied areas is also required, as contingency planning for possible eventual return. The scale of destruction reported in these areas suggests that considerable reconstruction assistance

will be required if return, when possible, is to be sustainable. The cooperation of the Government in making international access to these areas possible is strongly encouraged;

(i) For those areas where return is now possible, a comprehensive mine assessment survey and subsequent mine-clearance programme is imperative. Internally displaced persons should neither be allowed nor encouraged to return to areas which have not been cleared of mines. Strengthened donor support for building national mine-clearance capacity is required. At the same time, the mine-awareness campaign of ICRC should be continued;

(j) Also relating to the safety and sustainability of return, efforts of conflict resolution and reconciliation should be strengthened. A number of local NGOs, especially women's groups, are undertaking important activities in these areas which deserve increased support. If there is large-scale return eventually, such efforts will be essential for promoting the peaceful reintegration and rebuilding of communities;

(k) In the return process, it is essential that the voluntariness of return is assured. While return is evidently the preference of the displaced and the Government alike, the tenacity with which the authorities pursue this goal underscores the need for safeguards to ensure that the return of the displaced truly is voluntary. UNHCR assistance in monitoring the voluntariness of return is required. In this connection, the displaced should be given accurate information concerning the conditions in areas of return;

(l) While continuing to support the ideal of return, alternative durable solutions, that is to say, resettlement and reintegration of the displaced, require greater attention and support. The Government has recently begun to take important steps in this direction, by means of its acceptance of the concept of "long-stayers", its allowing more permanent shelter for these populations and its willingness to begin supporting some skills-training and income-generating projects. Building upon these initiatives, greater government support is required for promoting self-reliance among the displaced and for durable solutions other than return, which for many remains an elusive goal;

(m) In parallel to promoting greater self-reliance among the displaced, the Government must assume greater responsibility for addressing their plight. To be sure, the magnitude of the displaced population and difficult economic circumstances currently limit the ability of the Government to address fully the needs of the internally displaced by itself and, as a result, continued international assistance is required. In addition to direct assistance to internally displaced persons in need, international support for strengthening the capacity of the Government to discharge its responsibilities towards the displaced should be strengthened and should receive the full support of the Government.

120. In conclusion, it should be recalled that the Commission on Human Rights has invited Governments of countries which the Representative has visited to give due consideration to his recommendations and suggestions and to make available information on measures taken thereon. The Representative

reiterates his appreciation to the Government of Azerbaijan for having invited him to undertake a visit to study first-hand the serious situation of internal displacement in that country and looks forward to further cooperation from the Government in addressing the plight of its internally displaced population.

Notes

1/ UNDP, Azerbaijan Human Development Report, 1997, pp. 53-55.

2/ Ibid., p. 94.

3/ UNDP, Azerbaijan 1997 Annual Report of the United Nations Resident Coordinator (Baku, 13 February 1998), p. 4.

4/ See Bill Frelick, Faultlines of Nationality Conflict: Refugees and Displaced Persons from Armenia and Azerbaijan, Washington, U.S. Committee for Refugees, March 1994, pp. 7-9.

5/ Human Rights Watch/Helsinki, Seven Years of Conflict in Nagorno-Karabakh (New York, 1994), pp. 67-73; S. Neil MacFarlane and Larry Minear, The Politics of Humanitarian Action: The Case of Nagorno-Karabakh, Providence, Rhode Island, Thomas J. Watson Jr. Institute for International Studies, 1997, pp. 28-30 and 41.

6/ See, in particular, Human Rights Watch/Helsinki, Seven Years of Conflict, pp. 29-30 and 90-104.

7/ Security Council resolutions 822 (1993) of 30 April 1993, 853 (1993) of 29 July 1993, 874 (1993) of 14 October 1993 and 884 (1993) of 12 November 1993.

8/ Statement by the President of the Security Council on 29 January 1993 (S/25199), in connection with interruptions in supply of goods and materials, in particular energy supplies, to Armenia and to the Nakhichevan region of Azerbaijan.

9/ On the extensive incidence of hostage-taking, see Human Rights Watch/Helsinki, Seven Years of Conflict in Nagorno-Karabakh, pp. 18-25.

10/ See Human Rights Watch/Helsinki, Seven Years of Conflict.

11/ The Minsk Group (named for the city where a peace conference ultimately is envisaged) consisting of Armenia, Azerbaijan, Belarus, the Czech Republic, France, Germany, Italy, the Russian Federation, Sweden, Turkey, the United States and "interested parties in Nagorno-Karabakh".

12/ See Human Rights Watch/Helsinki, Seven Years of Conflict, pp. 4 and 59.

13/ "Information about the refugees and internally displaced persons in the Republic of Azerbaijan", annex to letter dated 3 August 1998 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the Sub-Commission (E/CN.4/Sub.2/1998/35).

14/ UNDP, Azerbaijan Human Development Report 1997, p. 93.

15/ Ibid., p. 93.

16/ See note 13.

17/ William Hayden, "Country profile: Azerbaijan", Global IDP Survey (London: Earthscan, 1998), p. 167.

18/ State Committee for Refugees and Internally Displaced Persons, cited in International Organization for Migration, CIS Migration Report, 1996 (1997), p. 28.

19/ UNDP, Human Development Report, p. 93.

20/ Amendments and additions to the Law of the Republic of Azerbaijan on the Status of Refugees and Internally Displaced Persons, signed by the President of the Republic of Azerbaijan, Baku, 17 April 1998.

21/ Decree of the President of the Republic of Azerbaijan on measures in the field of ensuring the citizen's and human rights and freedoms, signed on 22 February 1998.

22/ See S. Neil MacFarlane and Larry Minear, Humanitarian Action and Politics: The Case of Nagorno-Karabakh, Providence, Rhode Island, Thomas J. Watson Jr. Institute for International Studies, 1997, pp. 52-53.

23/ McFarlane and Minear, Humanitarian Action and Politics, p. 53.

24/ Centre for Strategic and International Studies, Azerbaijan, A Sociological Study on Internally Displaced People: Humanitarian Aid, Needs and Survival Strategies (Baku: UNHCR, March 1996); and WHO, Centre for Disease Control and Prevention, and UNICEF in collaboration with Relief International and Médecins Sans Frontières/Holland, "Health and nutrition survey of internally displaced and resident population of Azerbaijan" (Baku: April 1996), both cited in Thomas Greene, "Internal Displacement in the North Caucasus, Azerbaijan, Armenia and Georgia", in Roberta Cohen and Francis M. Deng (eds.) The Forsaken People: Case Studies of the Internally Displaced, Washington, D.C., Brookings Institution, 1998, p. 263, note 67.

25/ Briefing material prepared by the World Food Programme for the visit of the Representative, May 1998.

26/ See UN OCHA, Azerbaijan Humanitarian Situation Report for August 1998, p. 4.

27/ Thomas Greene, "Internal Displacement in the North Caucasus, Azerbaijan, Armenia and Georgia", in Cohen and Deng, The Forsaken People, p. 264.

28/ In the winter of 1997, for instance, temperatures plunged to minus 50 degrees Celsius, the lowest recorded temperature for Azerbaijan in 25 years. "Record low temperatures in Azerbaijan", RFE/RL Newsline, vol. 1, No. 182, Part II (18 December 1997).

29/ WHO, Centre for Disease Control and Prevention, and UNICEF, "Health and nutrition survey", cited in Thomas Greene, "Internal displacement in the North Caucasus, Azerbaijan, Armenia and Georgia", in Cohen and Deng, The Forsaken People, p. 264, note 69.

30/ Women's Commission for Refugee Women and Children, Women Displaced in the Southern Caucasus: An Examination of Humanitarian Assistance Needs in Azerbaijan, Armenia, Nagorno-Karabakh and Georgia, New York, 1998, p. 8.

31/ UNHCR bulletin, "Reproductive health/safe motherhood programmes for IDPs and refugees", Baku, 26 September 1997.

32/ Women's Commission for Refugee Women and Children, Women Displaced in the Southern Caucasus ..., p. 8.

33/ Frelick, Faultlines of Nationality Conflict, pp. 27-28.

34/ Specifically, government figures indicate that of the 301,359 internally displaced persons having the ability to work, 196,380 are unemployed. See note 13, p. 3.

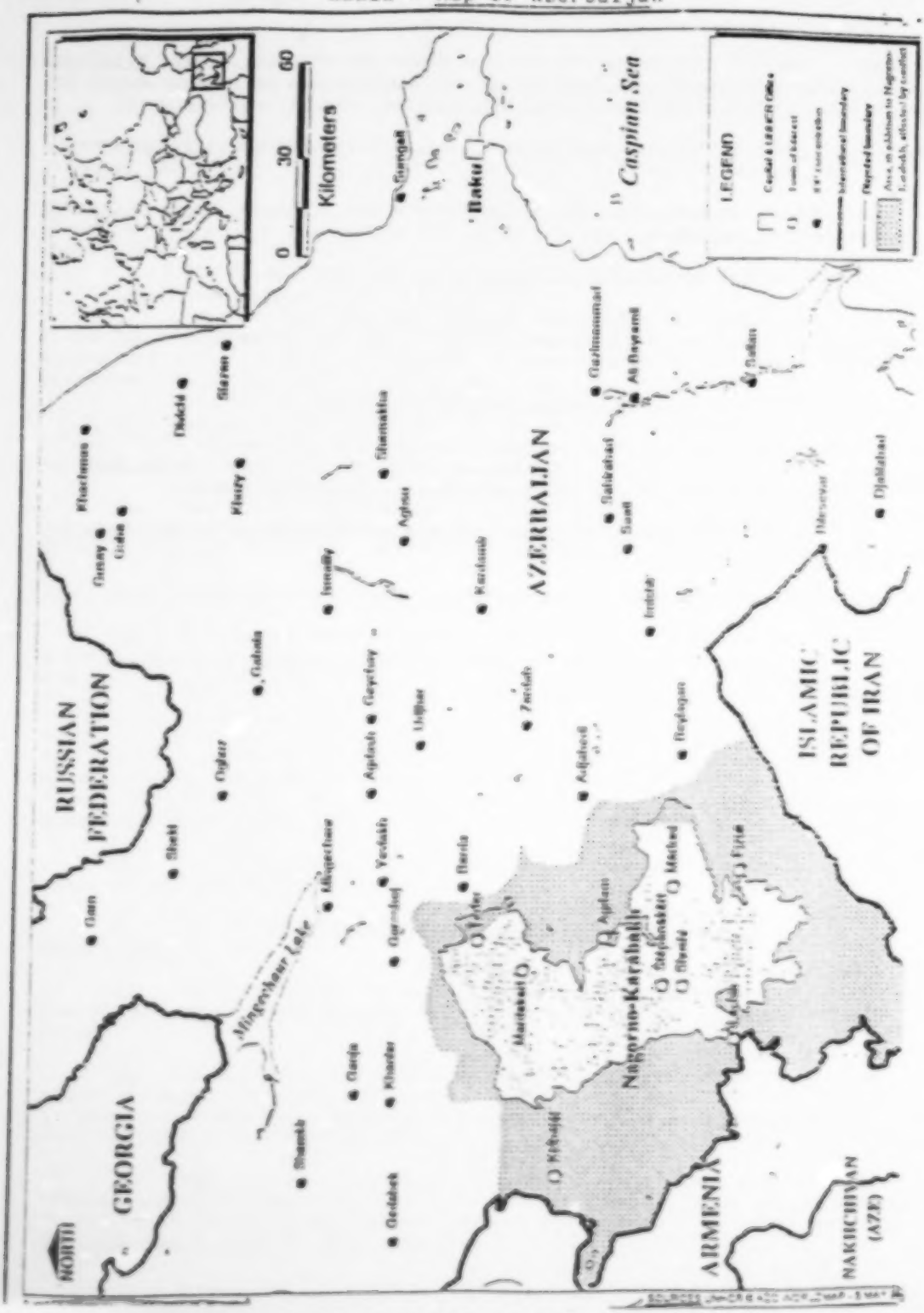
35/ UNDP, Azerbaijan: Human Development Report, p. 95.

36/ Republic of Azerbaijan, Agency for Rehabilitation and Reconstruction of Areas (ARRA), Feasibility Study for the Resettlement and Reconstruction Programme of the Liberated Areas: Executive Summary.

37/ UNDP, Agency for Reconstruction and Rehabilitation of War-Torn Areas, p. 8.

38/ Ibid., p. 9.

ANNEX - Map of Azerbaijan



Notes: The boundaries shown on this map do not imply official endorsement or acceptance by the United Nations.
The spellings of place names may not correspond to the versions used in the text of the report.